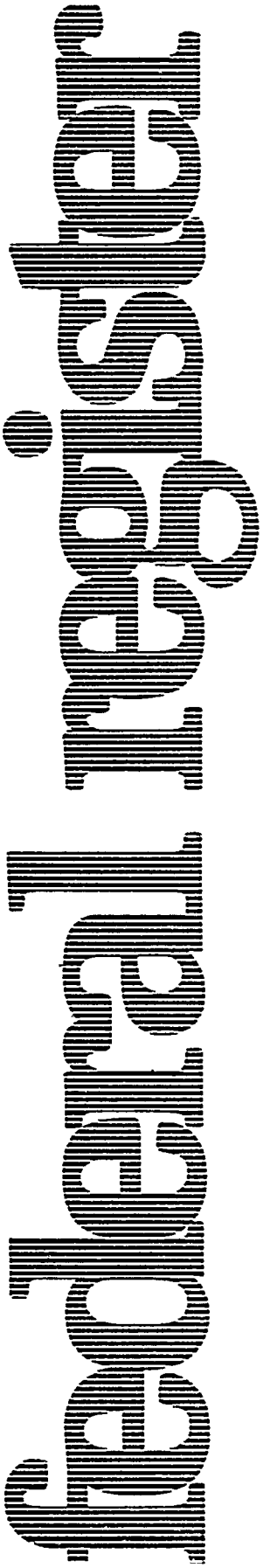
7-11-84
Vol. 49 No. 134
Pages 28229-28386



Wednesday
July 11, 1984

Selected Subjects

Administrative Practice and Procedure
Interstate Commerce Commission.
National Transportation Safety Board

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Banks, Banking
Federal Reserve System

Claims
Education Department

Commodity Futures
Commodity Futures Trading Commission

Education of Handicapped
Education Department

Fisheries
National Oceanic and Atmospheric Administration

Freedom of Information
Administration Office, Executive Office of the President

Government Procurement
Environmental Protection Agency

Hazardous Waste
Environmental Protection Agency

Lawn Mowers
Consumer Product Safety Commission

CONTINUED INSIDE

Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The Federal Register will be furnished by mail to subscribers for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402.

There are no restrictions on the republication of material appearing in the Federal Register.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Loan Programs—Housing and Community Development
Farmers Home Administration

Loan Programs—Veterans
Veterans Administration

National Banks
Comptroller of Currency

Privacy
Administration Office, Executive Office of the President

Reporting and Recordkeeping Requirements
Civil Aeronautics Board

Telecommunications
Rural Electrification Administration

Veterans
Veterans Administration

Volunteers
Peace Corps

Wages
Personnel Management Office

Water Pollution Control
Environmental Protection Agency

Wine
Alcohol, Tobacco and Firearms Bureau

Contents

Federal Register
Vol. 49, No. 134
Wednesday, July 11, 1984

The President
PROCLAMATIONS
28229 African Refugees Relief Day (Proc. 5218)
28331 Ice Cream Month, National, and National Ice Cream Day (Proc. 5219)

Executive Agencies

Administration Office, Executive Office of the President
RULES
28233 Freedom of Information Act; implementation; final rule and request for comments
28235 Privacy Act; implementation; final rule and request for comments

Agriculture Department
See also Farmers Home Administration; Food Safety and Inspection Service; Forest Service; Rural Electrification Administration.
NOTICES
28285 Agency information collection activities under OMB review

Air Force Department
NOTICES
28305 Agency information collection activities under OMB review

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Alcohol; viticultural area designations:
28257 Central Coast, CA
28260 Mesilla Valley TX

Arms Control and Disarmament Agency
NOTICES
Meetings:
28286 General Advisory Committee

Arts and Humanities, National Foundation
NOTICES
Meetings:
28337 Humanities National Council Advisory Committee

Civil Aeronautics Board
RULES
Air taxi operators:
28239 Reporting and recordkeeping requirements; OMB approval
NOTICES
Hearings, etc..
28286, 28287 Air National Aircraft Sales & Service, Inc. (2 documents)
28286 Pacific Interstate Airlines
28286 Tampa-Yucatan service case

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Commodity Futures Trading Commission
PROPOSED RULES
28253 Speculative position limits; domestic agricultural commodities exemption

Comptroller of Currency
RULES
National banks:
28237 Service charges on deposit accounts; interpretive ruling; clarification

Consumer Product Safety Commission
RULES
28240 Lawn mowers, walk-behind power; safety standards; certification requirements; clarification

Defense Department
See Air Force Department; Defense Logistics Agency.

Defense Logistics Agency
NOTICES
28304 Identification lists; availabilty

Education Department
RULES
Special education and rehabilitative services:
28350 Handicapped children's early education program
28380 Secondary education and transitional services for handicapped youth
28360 Services for deaf-blind children and youth
28370 Training personnel for education of the handicapped
PROPOSED RULES
28264 Federal claims collection; interest on outstanding debts owed to Education Department by participants in education programs
NOTICES
Grants; availability, etc.:
28305 Experimental and innovative training program
28306 Rehabilitation long-term training program

Energy Department
See Federal Energy Regulatory Commission.

Environmental Protection Agency
RULES
28246 Acquisition regulations
Air quality implementation plans; approval and promulgation; various States; etc.:
28243 Utah
Hazardous waste program authorizations:
28245 Montana
PROPOSED RULES
Air quality implementation plans; delayed compliance orders:
28268 Ohio
28271 Wisconsin
Hazardous waste:
28274 Treatment, storage, and disposal facilities standards; permit applications guidance manual availability

Water pollution control; national pollutant discharge elimination system; applications:
28273 Rhode Island
NOTICES
Air quality criteria:
28323 Cadmium; draft updated mutagenicity and carcinogenicity assessment; availability; extension of time
Pesticide programs:
28320 Aldicarb; special review

Farmers Home Administration
RULES
Rural housing loans and grants:
28236 Real estate security for rental, cooperative, and farm labor housing loans; appraisal; removal of regulations

Federal Aviation Administration
RULES
28239 Control areas
PROPOSED RULES
Airworthiness directives:
28252 Boeing; withdrawal
NOTICES
Meetings:
28338 Aeronautics Radio Technical Commission
28337, 28338 National Airspace Review Advisory Committee (2 documents)

Federal Communications Commission
PROPOSED RULES
Common carrier services:
28275 INTELSAT global communications satellite system; terminal stations; extension of time

Federal Deposit Insurance Corporation
NOTICES
28342 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
28323 Nebraska
Meetings:
28323 National Fire Academy Board of Visitors

Federal Energy Regulatory Commission
NOTICES
Hearings, etc..
28308 Allegheny Power Service Corp.
28308 American Electric Power Service Corp.
28308, 28309 Columbia Gas Transmission Corp. (2 documents)
28309 El Paso Natural Gas Co.
28310 Florida Power Corp.
28310 Iowa-Illinois Gas & Electric Co.
28310, 28311 Midwestern Gas Transmission Co. (2 documents)
28312 Montaup Electric Co.
28312 Northern Natural Gas Co., et al.
28314 Ohio Edison Co.
28314 Pacific Power & Light Co.
28314, 28315 Panhandle Eastern Pipe Line Co. (2 documents)
28316 Pennsylvania Power Co.
28316 Puget Sound Power & Light Co.
28316 Tennessee Pipeline Co.
28317 Texas Eastern Transmission Corp.
28318 Texas Gas Transmission Corp.
28318 Trailblazer Pipeline Co.
28319 Transcontinental Gas Pipe Line Corp.
28319 Washington Water Power Co.

Federal Register, Administrative Committee
PROPOSED RULES
28252 Publication procedures; update and clarification; correction

Federal Reserve System
RULES
Interest on deposits (Regulation Q); early withdrawal penalty; temporary suspensions:
28238 Oklahoma
NOTICES
Bank holding company applications, etc..
28324 Ken-Caryl Investment Co.
28324 Second Security Bankshares, Inc. et al.
28324 Smithtown Bancorp, Inc., et al.

Fish and Wildlife Service
NOTICES
28330 Endangered and threatened species permit applications
Environmental statements; availability, etc..
28331 Charles M. Russell National Wildlife Refuge, MT

Food and Drug Administration
RULES
Food for human consumption:
28241 Fruit or vegetable juice beverages, diluted; common or usual names; extension of effective date; correction
NOTICES
Animal drugs, feeds, and related products:
28328 Proban Cythioate Oral Liquid; correction
Human drugs:
28326 Quinacrine hydrochloride powder to prevent recurrence of pneumothorax in patients with cystic fibrosis and others at high risk of recurrence
Meetings:
28325 Advisory committees, panels, etc.

Food Safety and Inspection Service
PROPOSED RULES
Meat and poultry inspection:
28252 Canning; thermally processed products; extension of time

Forest Service
RULES
Timber sales, national forest:
28241 Purchaser suspension and debarment; interim; extension of effectiveness

Health and Human Services Department
See Food and Drug Administration; Health Resources and Services Administration; Social Security Administration.

Health Resources and Services Administration
NOTICES
Meetings; advisory committees:
28328 August

Interior Department
See Fish and Wildlife Service; Land Management Bureau; Minerals Management Service.

International Trade Administration
NOTICES
Antidumping:
28298 Carbon steel products from Brazil
28295 Pads for woodwind instrument keys from Italy
Countervailing duties:
28289 Oil country tubular goods from Argentina
28290 Oil country tubular goods from Brazil
28291 Oil country tubular goods from Korea
28292 Oil country tubular goods from Mexico
28294 Structural shapes and cold-rolled carbon steel flat-rolled products from Korea
Meetings:
28295 President's Export Council
Scientific articles; duty free entry:
28287 Massachusetts General Hospital et al.
28287 U.S. Geological Survey et al.

Interstate Commerce Commission
PROPOSED RULES
Practice and procedure:
28276 Non-attorney practitioners' examinations; schedule change
NOTICES
Railroad operations, acquisition, construction, etc.:
28337 Canton Railroad Co.
Railroad services abandonment:
28337 Illinois Central Gulf Railroad Co.

Land Management Bureau
NOTICES
Meetings:
28330 Butte District Advisory Council
Survey plat filings:
28330 Montana
Withdrawal and reservation of lands:
28329 Wyoming

Minerals Management Service
NOTICES
Outer Continental Shelf; development operations coordination:
28331 Zapata Exploration Co.
Outer Continental Shelf operations:
28332 Oil and gas leasing; 5-year program development; inquiry

National Bureau of Standards
NOTICES
28303 Commercial activities, performance; cost comparison studies

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
28276 Bluefish
28283 Pacific coast groundfish
NOTICES
Marine mammal permit applications; etc..
28303 Morris Museum of Arts and Sciences
28304 Moscow Zoo
Meetings:
28304 Salmon and Steelhead Advisory Commission

National Transportation Safety Board
RULES
28246 Air safety proceedings practice rules

Nuclear Regulatory Commission
NOTICES
Nuclear Waste Policy Act:
28337 High-level waste pre-licensing program; local public document room and toll free telephone service; establishment; correction

Pacific Northwest Electric Power and Conservation Planning Council
NOTICES
28342 Meetings; Sunshine Act

Peace Corps
PROPOSED RULES
28255 Eligibility and standards for Peace Corps volunteer service

Personnel Management Office
RULES
28347 Prevailing rate systems; blue collar supervisory pay practices; WS-19 linkage point

Research and Special Programs Administration
NOTICES
Hazardous materials:
28338, 28339 Applications; exemptions, renewals, etc. (2 documents)

Rural Electrificaiton Administration
RULES
Telephone borrowers:
28236 Digital, stored program controlled central office equipment general specification, Form 522 (Bulletin 345-165)
NOTICES
Environmental statements; availability, etc.:
28285 Wells Rural Electric Co.

Social Security Administation
NOTICES
Supplemental security income:
28328 Drug addicts and alcoholics; intensive case management; statutory and regulatory waivers

Transportation Department
See Federal Aviation Administration; Research and Special Programs Administration.

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Comptroller of Currency.
NOTICES
28340 Agency information collection activities under OMB review
Bonds, Treasury:
28340 2004 series
Notes, Treasury:
28340 F-1991 series

Veterans Administration
RULES
Adjudication; pensions, compensation, dependency, etc.:
28241 Annual clothing allowance eligibility

Loan guaranty:
28242 Home loan entitlement substitution when veteran-transferee is not immediate-transferee
PROPOSED RULES
Adjudication; pensions, compensation, dependency, etc..
28267 Military service discharge; categories of administrative separation

Separate Parts in This Issue

Part II
28347 Office of Personnel Management

Part III
28350 Department of Education, Office of Special Education and Rehabilitative Services

Part IV
28360 Department of Education; Office of Special Education and Rehabilitative Services

Part V
28370 Department of Education, Office of Special Education and Rehabilitative Services

Part VI
28380 Department of Education, Office of Special Education and Rehabilitative Services

Reader Aids

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

1 CFR
Proposed Rules:
1 ... 28252
2 ... 28252
7 ... 28252
8 ... 28252
9 ... 28252
10 ... 28252
15 ... 28252
18 ... 28252
20 ... 28252
21 ... 28252

3 CFR
Proclamations:
5218 ... 28229
5219 ... 28231

5 CFR
532 ... 28347
2502 ... 28233
2504 ... 28235

7 CFR
1772 ... 28236
1922 ... 28236

9 CFR
Proposed Rules:
308 ... 28252
318 ... 28252
320 ... 28252
327 ... 28252
381 ... 28252

12 CFR
7 ... 28237
217 ... 28238

14 CFR
71 ... 28239
298 ... 28239
Proposed Rules:
39 ... 28252

16 CFR
1205 ... 28240

17 CFR
Proposed Rules:
150 ... 28253

21 CFR
102 ... 28241

22 CFR
Proposed Rules:
305 ... 28255

27 CFR
Proposed Rules:
9 (2 documents) ... 28257, 28260

34 CFR
307 ... 28360
309 ... 28350
318 ... 28370
326 ... 28380
Proposed Rules:
75 ... 28264
76 ... 28264
200 ... 28264
298 ... 28264
668 ... 28264

36 CFR
223 ... 28241

38 CFR
3 ... 28241
36 ... 28242
Proposed Rules:
3 ... 28267

40 CFR
52 ... 28243
81 ... 28243
271 ... 28245
Proposed Rules:
65 (2 documents) ... 28268, 28271
123 ... 28273
264 ... 28274

41 CFR
Proposed Rules:
34-30 ... 28264

47 CFR
Proposed Rules:
25 ... 28275

48 CFR
Ch. 15 ... 28246

49 CFR
821 ... 28246
Proposed Rules:
1103 ... 28276

50 CFR
Proposed Rules:
628 ... 28276
663 ... 28283

Federal Register
Vol. 49, No. 134
Wednesday, July 11, 1984

Presidential Documents

Title 3—

The President

Proclamation 5218 of July 9, 1984

African Refugees Relief Day, 1984

By the President of the United States of America

A Proclamation

The United States and the American people have a long and proud tradition of helping those who are in need. In Africa, the needs of refugees cry out for continued attention. So, too, do the needs of the host countries who, despite their own limited resources, have accepted the refugees in the best tradition of humanitarian concern. Their generosity has led them to make great sacrifices.

We in the United States are mindful of the burdens that are borne by the refugees and their host countries. We are dedicated to the cause of meeting their needs now and in the future. We fervently hope that the Second International Conference on Assistance to Refugees in Africa, which begins July 9, 1984, will lead to a sustained effort by the international community to help African countries effectively cope with the refugee burden. Our own efforts have been and will continue to be in support of the African refugees and their host countries.

In order to heighten awareness in the United States of the needs of Africa's refugees and the needs of their host countries, the Congress, by H.J. Res. 604, has designated July 9, 1984, as "African Refugees Relief Day" and has requested the President to issue a proclamation in observance of that day.

As we reflect on the situation of refugees and their host countries, I hope Americans will be generous in their support of voluntary agencies that provide relief and development assistance to Africa. Further, I wish special consideration be given to the extraordinary hardships borne by women refugees, their children, and other vulnerable groups. The innocent victims of civil strife and war deserve our special concern.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 9, 1984, as African Refugees Relief Day.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of July, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 84-18561
Filed 7-10-84; 10:31 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5219 of July 9, 1984

National Ice Cream Month and National Ice Cream Day, 1984

By the President of the United States of America

A Proclamation

Ice cream is a nutritious and wholesome food, enjoyed by over ninety percent of the people in the United States. It enjoys a reputation as the perfect dessert and snack food. Over eight hundred and eighty-seven million gallons of ice cream were consumed in the United States in 1983.

The ice cream industry generates approximately $3.5 billion in annual sales and provides jobs for thousands of citizens. Indeed, nearly ten percent of all the milk produced by the United States dairy farmers is used to produce ice cream, thereby contributing substantially to the economic well-being of the Nation's dairy industry.

The Congress, by Senate Joint Resolution 298, has designated July 1984 as "National Ice Cream Month," and July 15, 1984, as "National Ice Cream Day," and authorized and requested the President to issue a proclamation in observance of these events.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim July 1984 as National Ice Cream Month and July 15, 1984, as National Ice Cream Day, and I call upon the people of the United States to observe these events with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of July, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc 84-18562
Filed 7-10-84; 10:32 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 49, No. 134
Wednesday, July 11, 1984

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration

5 CFR Part 2502

Availability of Records; Freedom of Information Act; Amendments and Corrections

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Final rule with request for comments.

SUMMARY: Office of Administration (OA) is updating and revising its current procedures for obtaining records under the Freedom of Information Act (FOIA). The following regulations reflect administrative changes within OA, costs of searching and reproducing requested materials, and one substantive change concerning information supplied to OA from non-Government sources. The new costs reflect the rates paid to employees who conduct the search. These regulations apply only to OA and not to any other agency or office within the Executive Office of the President.

EFFECTIVE DATE: October 15, 1984. To be assured of consideration, comments must be in writing and must be received on or before September 24, 1984. Comments should refer to specific sections in the regulations. The amendments and corrections will be effective October 15, 1984, unless the Office of Administration, Executive Office of the President, prints a notice to the contrary.

FOR FURTHER INFORMATION CONTACT: D. Edward Wilson, Jr., General Counsel, (202) 456-7530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 5 CFR Part 2502

Courts, Freedom of Information.

D. Edward Wilson, Jr.,
General Counsel.

Authority: 5 U.S.C. 552, as amended by Pub. L. 93-502.

For the reasons set out in the summary, Subpart A of Part 2502, Title 5, Code of Federal Regulations, is amended as set forth below:

§ 2502.1 [Amended]

1. Section 2502.1(a) is amended by adding "or 'OA' " immediately after "Office."

§ 2502.2 [Removed]

2. Section 2502.2 is removed as redundant of § 2502.3.

§ 2502.3 [Redesignated as § 2502.2]

3. Section 2502.3 is hereby redesignated § 2502.2.

4. Section 2502.4 is hereby revised as follows and redesignated § 2502.3:

§ 2502.3 Organization and functions.

(a) The Office of Administration (OA) was created by Reorganization Plan No. 1 of 1977 and Executive Order 12028. Its primary function is to provide common administrative and support services for the various agencies and offices of the Executive Office of the President. It consists of:

(1) The Office of the Director which includes the General Counsel;

(2) The Office of the Deputy Director;

(3) Five Directors and their staffs, who are responsible for the following Divisions:

(i) Administrative Operations;

(ii) Automated Systems;

(iii) Financial Management;

(iv) Library and Information Services; and

(v) Personnel.

(b) The Office has no field organization. Offices are presently located in the Old Executive Office Building, 17th and Pennsylvania Avenue NW., 20500, and in the New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503. Regular office hours are from 9:00 a.m., Monday through Friday. Both buildings are under security control. Persons desiring access are encourged to make advance arrangements by telephone with the office they plan to visit.

5. Section 2502.5 is hereby revised as follows and redesignated § 2502.4:

§ 2502.4 Public reference facilities and current index.

(a) The Office maintains a public reading area located in the Executive Office of the President Information Center, Room G-102, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., and makes available for public inspection and copying a copy of all material required by 5 U.S.C. 552(a)(2), including all documents published by OA in the Federal Register and currently in effect.

(b) The FOIA Officer or his or her designee shall maintain files containing all materials required to be retained by or furnished to the FOIA Officer under this subpart. The material shall be filed by chronological number of request within each calendar year, indexed according to the exceptions asserted, and, to the extent feasible, indexed according to the type of records requested.

(c) The FOIA Officer shall also maintain a file open to the public, which shall contain copies of all grants or denials of appeals by the Office.

§ 2502.6 [Redesignated as § 2502.5]

6. Section 2502.6 is hereby redesignated § 2502.5.

7. Section 2502.7 is hereby revised as follows and redesignated § 2502.6:

§ 2502.6 How to request records—form and content.

(a) A request made under the FOIA must be submitted in writing, addressed to: FOIA Officer, Office of Administration, New Executive Office Building NW., Room 2200, Washington, D.C. 20503. The words "FOIA REQUEST" should be clearly marked on both the letter and the envelope. Due to security measures at the Old and New Executive Office Buildings, requests made in person (by other than current employees of the Executive Office of the President) should be delivered to the Mail Room, Room G-202, NEOB.

(b) Any Office employee or official who receives a FOIA Request shall promptly forward it to the FOIA Officer, at the above address. Any Office employee or official who receives an oral request made under the FOIA shall inform the person making the request of the provisions of this subpart requiring a

written request according to the procedures set out herein.

(c) Each request must reasonably describe the record(s) sought, including when known: Agency/individual originating the record, date, subject matter, type of document, location, and any other pertinent information which would assist in promptly locating the records(s).

(d) When a request is not considered reasonably descriptive, or requires the production of voluminous records, or places an extraordinary burden on the Office of Administration, seriously interfering with its normal functioning to the detriment of the business of the Government, the Office may require the person or agent making the FOIA request to confer with an Office representative in order to attempt to verify, and, if possible, narrow the scope of the request.

(e) Upon initial receipt of the FOIA request, the FOIA officer will determine which official or officials within the Office shall have the primary, responsibility for collecting and reviewing the requested information and drafting a proposed response.

§ 2502.8 [Redesignated as § 2502.7 and Amended]

8. Section 2502.8 is hereby redesignated § 2502.7 and the reference in that section to § 2502.11 is changed to § 2502.10.

§ 2502.9 [Redesignated as § 2502.8]

9. Section 2502.9 is hereby redesignated § 2502.8.

§ 2502.10 [Redesignated as § 2502.9]

10. Section 2502.10 is hereby redesignated § 2502.9.

§ 2502.11 [Redesignated as § 2502.10]

11. Section 2502.11 is hereby redesignated § 2502.10.

§ 2502.12 [Removed]

12. Section 2502.12 is hereby deleted since incorporated into § 2502.4.

13. Section 2502.13 is hereby revised and redesignated § 2502.11:

§ 2502.11 Schedule of fees.

(a) Except as otherwise provided, the following specific fees shall be applicable with respect to services rendered under this subpart:

(1) *Search for Records.* $6.00 per hour when the search is conducted by a clerical employee. There will be no charges for searches of less than one hour. When a search and retrieval cannot be made by clerical personnel (e.g., the identification of records within the scope of a request requires the use of professional or managerial personnel), the fee will be the actual rate paid to the employee.

(2) *Duplication of Records.* Records will be duplicated at a rate of $0.10 per page for copying four (4) pages or more. There will be no charges for duplicating three (3) pages or less. Microfilm documents will be duplicated at a rate of $1.00 per page. For copies prepared by computer, either tape or printouts, the actual cost of production will be charged.

(3) *Other.* When no specific fee has been established for a service, the General Counsel is authorized to establish an appropriate fee based on "direct costs" as provided in the FOIA. Examples of services covered by this provision include searches involving computer time, including runs, time of programmers and operators, or special travel, transportation, or communication costs.

(b) If the Office anticipates that the fees chargeable under this section will amount to more than $30, or the maximum amount specified in the request, the requester shall be promptly notified by phone or in writing of the estimated amount of the fee before costs have been incurred, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. In such instances, the requester will be advised of the option to consult with Office personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the requester's needs. A reformulated request shall be considered a new request, thus beginning a new 10 workday period for processing.

14. Section 2502.14 is hereby revised as follows and redesignated § 2502.12:

§ 2502.12 Waiver of fees.

The FOIA Officer or his or her designee shall assess fees for the search and, if necessary, duplication of records requested. The General Counsel, FOIA Officer, or his or her designee, shall also have authority to furnish records without charge, or at a reduced charge, where he or she determines that waiver or reduction of the fees is in the public interest or where assessment of fees is not administratively feasible. There will be no fee where records are not provided or are not made available.

15. Section 2502.15 is hereby revised as follows and redesignated § 2502.13:

§ 2502.13 Payment of fees.

(a) Fees must be paid in full prior to issuance of the requested copies. Where a requester has previously failed to pay a fee charged, the requester must pay the agency the full amount owed and make an advance deposit of the full amount of the estimated fee before the agency shall be required to process a new request or a pending request for that requester. Fees for search time must be paid before requests are made available.

(b) Payment of fees shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasurer of the United States and mailed or delivered to the FOIA Officer, Office of Administration, 726 Jackson Place, NW., Room 2200, Washington, D.C. 20503.

§ 2502.16 [Redesignated as § 2502.14 and Amended]

16. Section 2502.16 is hereby revised by adding "(a)" before the first paragraph; changing "by" in the first line of that paragraph to "of"; adding the following paragraph "(b)" and redesignating § 2502.16 as § 2502.14:

* * * * *

(b) *Records from Non-U.S. Government Source.* (1) Upon receipt of a request for a record that was obtained from a non-U.S. Government source, or for a record containing information clearly identified as having been provided by a non-U.S. Government source, including a contract proposal or contract material, the Office will contact the source of the requested record or information requesting advice as to whether release of the record would adversely affect the source's competitive position or invade anyone's privacy. Subsequent to receipt of such advice, the Office will independently examine the requested document and will notify the requester of the final decision.

(2) OA personnel will generally consider two exemptions in the FOIA in deciding whether to withhold from disclosure material from a non-U.S. Government source. Exemption 4 permits withholding of "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Exemption 6 permits withholding certain information, the disclosure of which "would constitute a clearly unwarranted invasion of personal privacy." The source whose material has been requested will be asked to supply convincing justification for any material it wishes withheld under the Act, in accordance with the following general guidelines.

(i) For consideration under *exemption 4,* the supplier of the record or information should identify material that would be likely to cause substantial harm to its present or future competitive

position if it were released. If a contractor, the provider should assume that the material will be released to a competitor, even if that is not always the case. A contractor must provide detailed information on why release would be harmful, e.g., the general custom or usage in the business; the number and situation of the persons who have access to the information; the type and degree of risk of financial injury that release would cause; and the length of time the information will need to be kept confidential.

(A) In this respect, the Office of Administration will—as a general rule—look favorably upon recommendations for withholding information about ideas, methods, and processes that are unique; about equipment, materials, or systems that are potentially patentable; or about a unique use of equipment which is specifically outlined.

(B) OA will not withhold information that is known through custom or usage in the relevant trade, business, or profession, or information that is generally known to any reasonably educated person. Self-evident statements or reviews of the general state of the art will not ordinarily be withheld.

(C) OA will withhold all cost data submitted except the total estimated cost for each year of the contract. It will release these total estimated costs and ordinarily release explanatory material and headings associated with the cost data, withholding only the figures themselves. If a contractor believes some of the explanatory material should be withheld, that material must be identified and a justification be presented as to why it should not be released.

(ii) *Exemption 6* is not a blanket exemption for all personal information. The Office will balance the need to keep a person's private affairs from unnecessary public scrutiny with protection of the public's right to information on Government records.

(A) As a general practice, the Office will release information about any person named in a contract itself or about any person who signed a contract as well as information given in a proposal about any officer of a corporation submitting that proposal. Except for names and other identifying details, the Office usually releases all information in resumes concerning employees, including education and experience. Efforts will be made to identify information that should be deleted and offerors are urged to point out such material for guidance. Any information in the proposal which might constitute an unwarranted invasion of personal privacy if released should be identified and a justification for non-release provided in order to receive proper consideration.

(B) The Office can protect the names of and identifying details about other staff members who are described in a contract proposal if it is clear that identification of these employees would assist competitors in raiding and hiring them away. In this regard, names and other identifying details could be protected under Exemption 4 (harmful to competitive position) and also under Exemption 6 (it would be an unwarranted invasion of personal privacy to release them). In such a case, the Office would withhold names, home addresses, salaries, telephone numbers, social security numbers, marital status and, if these served to identify them, perhaps some details about past employment or professional activities of these persons.

§ 2502.17 [Redesignated as § 2502.15]

17 Section 2502.17 is hereby redesignated § 2502.15.

§ 2502.18 [Redesignated as § 2502.16]

18. Section 2502.18 is hereby redesignated § 2502.16.

§ 2502.19 [Redesignated as § 2502.17]

19. Section 2502.19 is hereby redesignated § 2502.17

20. 5 CFR Part 2502 is revised by removing the words "Deputy Director," and inserting in their place the words, "General Counsel or his or her designee" in the following places (the section numbers refer to the regulations as revised and redesignated by this notice):

(a) 5 CFR 2502.7·
(b) 5 CFR 2502.8 (a) and (b);
(c) 5 CFR 2502.9 (a) and (b);
(d) 5 CFR 2502.10 (a) and (b), and (d); and
(e) 5 CFR 2502.17

21. 5 CFR Part 2502 is further amended by revising the table of contents to subpart A to read as follows:

Subpart A—Production or Disclosure of Records Under the Freedom of Information Act, 5 U.S.C. 552

Sec.
2502.1 Definitions.
2502.2 Purpose and Scope.
2502.3 Organization and functions.
2502.4 Public reference facilities and current index.
2502.5 Records of other Agencies.
2502.6 How to request records—form and content.
2502.7 Initial determination.
2502.8 Prompt response.
2502.9 Responses—form and content.
2502.10 Appeals to the Director from initial denials.
2502.11 Schedule of fees.
2502.12 Waiver of fees.
2502.13 Payment of fees.
2502.14 Information to be disclosed.
2502.15 Exemptions.
2502.16 Deletion of exempted information.
2502.17 Annual report.

* * * * *

[FR Doc. 84-17904 Filed 7-10-84; 8:45 am]
BILLING CODE 3115-01-M

5 CFR Part 2504

Privacy Act Regulations: Amendments and Corrections

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Final rule with request for comments.

SUMMARY: Office of Administration (OA), Executive Office of the President, is updating its current procedures promulgated under the Privacy Act of 1976, 5 U.S.C. 552a, as amended. The following regulations also reflect administrative changes within OA. These regulations apply only to OA and not to any other agency or office within the Executive Office of the President.

EFFECTIVE DATE: September 28, 1984. To be assured of consideration, comments must be in writing and must be received on or before September 10, 1984. Comments should refer to specific sections in the regulations.

FOR FURTHER INFORMATION CONTACT: D. Edward Wilson, Jr., General Counsel, (202) 456-7530.

D. Edward Wilson, Jr.,
General Counsel.

List of Subjects in 5 CFR Part 2504

Privacy.

Authority: Privacy Act of 1974, 5 U.S.C. 552a.

For reasons set out in the summary, Part 2504, of Title 5, Code of Federal Regulations, is amended as set forth below:

§§ 2504.4—2504.6; 2504.8—2504.10; 2504.12—2504.13; 2504.15—2504.16 [Amended]

5 CFR Part 2504 is amended by removing the words "Deputy Director," and inserting in their place the words, "Privacy Act Officer" in the following places:

(a) 5 CFR 2504.4;
(b) 5 CFR 2504.5;
(c) 5 CFR 2504.6;

(d) 5 CFR 2504.8;
(e) 5 CFR 2504.9;
(f) 5 CFR 2504.10;
(g) 5 CFR 2504.12;
(h) 5 CFR 2504.13;
(i) 5 CFR 2504.15; and
(j) 5 CFR 2504.16.

§§ 2504.8 and 2504.9 [Amended]

5 CFR Part 2504 is further amended by adding " after consulting with the appropriate system manager," after the words "Privacy Act Officer" in the following places:
(a) 5 CFR 2504.8(a)(3); and
(b) 5 CFR 2504.9 (b) and (c).

§ 2504.3 [Amended]

Section 2504.3 ("Annual notice of systems of records maintained") is amended by removing paragraph (b) in its entirety and the designation "(a)" from the first subparagraph, and by revising the first sentence of the section to read as follows:

* * * The Office will publish in the Federal Register upon establishment or revision a notice of the existence and character of the systems of records the Office maintains.

§ 2504.10 [Amended]

Section 2504.10 ("Access of others to records about an individual") is further amended by removing the word "or" following subparagraph (10); changing the period after subparagraph (11) to a semicolon and adding the word "or,"; and adding the following subparagraph "12".

* * * * *

(12) To a consumer reporting agency in accordance with section 3711(f) of Title 31.

§ 2504.17 [Amended]

Section 2504.17(c) ("Fees") is amended by substituting the word "Treasurer" for "Treasury" in the second sentence.

[FR Doc. 84-17905 Filed 7-10-84; 8:45 am]
BILLING CODE 3115-01-M

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1772

Public Information; REA Bulletins REA Form 522, General Specification for Digital, Stored Program Controlled Central Office Equipment

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby revises REA Bulletin 345-165, REA General Specification for Digital, Stored Program Controlled Central Office Equipment (REA Form 522), which has been previously approved for incorporation by reference in § 1772.97 of the Code of Federal Regulations. This action is being taken to announce a revision of REA Form 522 to keep it abreast of the fast changing technology of electronic telephone central office equipment. The specification includes new developments considered advantageous to REA borrowers and their subscribers.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-8663. The Final Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby revises REA Bulletin 345-165, REA General Specification for Digital, Stored Program Controlled Central Office Equipment (REA Form 522). This action has been reviewed in accordance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity, and therefore has been determined to be "not major" This action does not fall within the scope of the Regulatory Flexibility Act. This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees.

Background

The current REA Form 522, which is a performance specification for electronic processor controlled telephone central office equipment using digital switching techniques, was developed in 1978. Since that time there has been constant improvement in the technology of this type of switching. There have been improvements in the diagnostic programs, the operation of remote switching terminals, grounding techniques for protection, and the increased interconnection of digital offices requires more accurate internal clocks. There has been the addition of administrative information output, custom calling features, automatic number identification, call ticketing capability, and numerous lesser improvements in software and hardware design. This revision of Form 522 addresses these new advances in technology and will provide the means for making them available to REA borrowers when they purchase this type of equipment.

These new advanced technologies will reduce operating costs and add revenue-producing features to the borrowers' systems. This action, which will impact all borrowers and manufacturers of this equipment, will enable REA borrowers to more efficiently and cost effectively provide telephone service to rural America.

REA published a Notice of Proposed Rulemaking in the Federal Register on October 19, 1983, Volume 48, No. 203, Page 48472. There were no public comments as a result of this proposal.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications, Telephone.

In view of the above, REA hereby amends 7 CFR Part 1772. Section 1772.97 is amended by revising the entry 345-165 to read as follows:

§ 1772.97 Incorporation by reference of telephone standards and specifications.

* * * *

345-165	Form 522	6/84 REA General Specification for Digital, Stored Program Controlled Central Office Equipment.

* * * * *

(7 U.S.C. 901 et seq.)

Dated: June 26, 1984.

Harold V. Hunter,
Administrator.

[FR Doc. 84-18271 Filed 7-10-84; 8:45 am]
BILLING CODE 3410-15-M

Farmers Home Administration

7 CFR Part 1922

Appraisal of Real Estate Security for Rental, Cooperative, and Labor Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding appraisals of real esate security for rental,

cooperative, and farm labor housing loans. This action is necessary because the regulation pertains to only internal Agency management. The intended effect of this action is to remove an unnecessary regulation from the CFR.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: George W. Porter, Senior Loan Officer, Multi-Family Housing Processing Division, FmHA, USDA, Room 5329, South Agriculture Building, Washington, D.C. 20250, Telephone: (202) 382-1626.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal Agency management. FmHA's regulation regarding appraisals of real estate security for rental, cooperative, and labor housing loans pertains to only internal Agency management relating to how the appraisal function is performed to determine the value of FmHA security. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal Agency management and publication for comment is unnecessary.

This action does not directly affect any FmHA programs or projects which are subject to 7 CFR Part 3015, Subpart V "Intergovernmental Review of Federal Programs" review.

This document has been reviewed in accordance with FmHA Instruction 1940-G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmenal Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not needed.

This action does not affect any programs listed in the current Catalog of Federal Domestic Assistance.

List of Subjects in 7 CFR Part 1922

Loan programs—Housing and community development, Low and moderate income housing, Rural housing.

PART 1922—APPRAISAL

§§ 1922.51-1922.58 and Exhibit A (Subpart B) [Removed and Reserved]

Accordingly, Chapter XVIII, Title 7, Code of Federal Regulations is amended by removing and reserving Subpart B of Part 1922.

Authorities: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Dated: July 5, 1984.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 84-18302 Filed 7-10-84; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 84-23]

Interpretive Ruling Concerning National Bank Service Charges

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This interpretive final rule amends an earlier interpretive ruling of the Office published on December 2, 1983. This amendment is necessary to clarify some misperceptions regarding the ruling. There is a misunderstanding on the part of some that the ruling itself preempts state laws regarding national bank service charges on deposit accounts. One of the purposes of this amendment is to make clear that this is not the case. Rather, the Office believes that the comprehensive federal statutory scheme enacted by Congress over the years, together with more recent legislative actions deregulating bank deposits, leave no room for states to impose restrictions on national bank deposit account service charges. Some have also expressed concern that the ruling would permit any and all levels of pricing. This amendment additionally makes clear that the Office has the authority to deal with instances of unacceptable pricing.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Alan Priest, Attorney, or Joseph Daly, Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 1983, the Office updated its interpretive ruling, 12 CFR 7.8000 (48 FR 54319), regarding the imposition of service charges by national banks. The ruling was updated in three respects. First, the final rule restated the longstanding Office position that the establishment of deposit account service charges and the amounts thereof are business decisions properly made by bank management. Second, the ruling made clear that in setting deposit account service charges, national banks may consider, but are not limited to considering:

—Recovering costs incurred by the bank in providing the service, plus a profit margin. Absent the ability to recover such costs and receive a profit, banks may be unwilling to provide a given service, thus limiting competition and customer choices.

—Deterring misuse by borrowers. Certain deposit account services provided by banks, such as the honoring of checks drawn against nonsufficient funds, have the potential for misuse. It has been the Office position that service charges should discourage customers from frequently writing checks in amounts greater than their account balances. Such a practice, if left uncontrolled, provides a customer with automatic loans. Alternatively, the bank could automatically dishonor all checks drawn on nonsufficient funds. A bank, however, may hestitate to do this because of the embarrassment to its customers. An appropriate option, the Office believes, is to establish service charges to be levied in connection with the writing of nonsufficient fund checks by borrowers to discourage customers from frequently writing such checks.

—Enhancing the competitive position and the marketing strategy of the bank. It is the position of the Office that banks should have the ability to set service charges to encourage or discourage the use of certain services in line with the bank's goals and corporate requirements.

—Maintaining safety and soundness. Service charges should always be established with consideration of their impact on the financial health and profitability of the bank.

Third, the rule stated our opinion that federal law preempts state laws that prohibit or limit service charges on deposit accounts, with specified exceptions.

Two phrases in the existing rule have created confusion and uncertainty. First,

the language in subsection (b) that "the Office will not substitute its judgment" has been misconstrued to mean that the Office will not review the level of service charges imposed by banks. That was not the intent, and the apparently misleading language is amended by this final rule. The Office fully recognizes its statutory, regulatory, and supervisory authority and responsibility to deal with instances of improper banking practices. The Office will continue to review all banking practices, primarily through its examination process, and to take appropriate action when warranted.

Second, the preemption language in subsection (c) has been misconstrued to imply that the interpretive ruling itself preempts state law. That is not the opinion of the Office regarding either the state of the law or the effect of the interpretive ruling. Language has been added to the rule indicating that it is the comprehensive federal statutory scheme governing the deposit-taking function of national banks (including recent federal laws deregulating deposit accounts) that preempts state laws that prohibit or limit the amount of a national bank's deposit account service charges.

Special Studies

A Regulatory Flexibility Analysis under the Regulatory Flexibility Act is not required for interpretive rulings such as this where a notice of proposed rulemaking is not required.

A Regulatory Impact Analysis is not required because the Office has determined that the rule is not a "major rule" as defined by Executive Order 12291.

Notice and Comment

Publication for notice and comment and delayed effectiveness as set forth in the Administrative Procedure Act 5 U.S.C. 553 are not required for this document which is an interpretive rule and therefore is exempt (5 U.S.C. 553 (b)(A), (d)(2)).

List of Subjects in 12 CFR Part 7

National banks, Service charges Deposit accounts.

PART 7—[AMENDED]

Accordingly, for the reasons set forth above, Part 7 is amended by amending § 7.8000 as follows:

1. The authority citation for Part 7 reads as follows:

Authority: R.S. 324 *et seq.*, as amended; 12 U.S.C. 1 et seq., unless otherwise stated.

2. By revising paragraphs (b) and (c) of 12 CFR 7.8000 as follows:

§ 7.8000 Charges by national banks.

* * * * *

(b) Establishment of deposit account service charges, and the amounts thereof, is a business decision to be made by each bank according to sound banking judgment and federal standards of safety and soundness. In establishing deposit account service charges, the bank may consider, but is not limited to considering:

(1) Costs incurred by the bank, plus a profit margin, in providing the service;

(2) The deterrence of misuse by customers of banking services;

(3) The enhancement of the competitive position of the bank in accord with the bank's marketing strategy;

(4) Maintenance of the safety and soundness of the institution.

(c) A national bank may establish any deposit account service charge pursuant to paragraphs (a) and (b) of this section notwithstanding any state laws which prohibit the charge assessed or limit or restrict the amount of that charge. Such state laws are preempted by the comprehensive federal statutory scheme governing the deposit-taking function of national banks.

* * * * *

Dated: March 19, 1984.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 84-18358 Filed 7-10-84; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0523]

Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, tornadoes and flooding in designated counties of Oklahoma.

EFFECTIVE DATE: May 3, 1984, for the Oklahoma counties of Creek, Okmulgee, Osage, Pawnee, Payne, Tulsa, Wagoner and Washington; May 31, 1984, for Rogers County.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, DC. 20551.

SUPPLEMENTARY INFORMATION: On May 3, 1984, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Oklahoma counties of Creek, Okmulgee, Osage, Pawnee, Payne, Tulsa, Wagoner and Washington major disaster areas. On May 31, 1984, a Presidential declaration of a major disaster was issued for the Oklahoma counties of Rogers, Tulsa and Wagoner; this declaration was amended on June 8 to include Osage County. The Board regards the President's actions as recognition by the Federal government that disasters of major proportions had occurred. The President's designations enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms and tornadoes beginning on or about April 26 and the severe storms and flooding beginning on or about May 26. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to May 3, 1984, for the counties of Creek, Okmulgee, Osage, Pawnee, Payne, Tulsa, Wagoner and Washington, and May 31, 1984, for Rogers County, and will remain in effect until 12 midnight, December 8, 1984.

List of Subjects in 12 CFR Part 217

Advertising, Banks, Banking, Federal Reserve Systems, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the Oklahoma counties directly affected by the severe storms, tornadoes and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action.

Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, July 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18275 Filed 7-10-84; 8:45 am].

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-AAL-2]

Revocation and Renaming of Additional Control Areas, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes five Additional Control Areas, renames Control 1235 to Woody Island, AK, and renames and amends Control 1236 and Control 1238, into a single airspace description, entitled Norton Sound, AK. This action does not add any new controlled airspace but returns certain blocks of controlled airspace to an uncontrolled status, thereby facilitating a reduction in clutter on affected aeronautical charts and an improvement in identification of offshore Additional Control Areas.

EFFECTIVE DATE: 0901 GMT, August 30, 1984.

FOR FURTHER INFORMATION CONTACT: William C. Davis, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On April 16, 1984, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke five Additional Control Areas, rename Control 1235 to Woody Island, AK, and rename and amend Control 1236 and Control 1238, into a single airspace description, entitled Norton Sound, AK (49 FR 14971). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.163 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations: (1) Revokes Control 1217 Control 1218, Control 1400, Control 1401 and Control 1483, as flight under instrument flight rules is no longer conducted within these airspace descriptions; (2) changes the name of Control 1235 to Woody Island, AK, to improve pilots' ability to identify this block of offshore controlled airspace; (3) combines Control 1236 and Control 1238 into a single airspace designation entitled Norton Sound, AK, also enhancing identification of offshore controlled airspace; and (4) deletes old references and correctly identifies renamed and redesignated Additional Control Areas. Through this amendment the FAA expects a decrease in clutter and an increase in discernability on affected aeronautical charts.

List of Subjects in 14 CFR Part 71

Additional control areas, Aircraft, Airspace, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

Control 1217 [Removed]
Control 1218 [Removed]
Control 1235 [Removed]
Control 1236 [Removed]
Control 1238 [Removed]
Control 1400 [Removed]
Control 1401 [Removed]
Control 1483 [Removed]

Woody Island, AK [Add]

That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at lat. 53°30'00" N., long. 160°00'00" W.; to lat. 56°00'00" N., long. 153°00'00" W.; to lat. 59°09'00" N., long. 147°18'00" W., thence clockwise via the arc of a 172-mile radius circle centered on the Anchorage, AK, VOR/DME to lat. 58°50'00" N., long. 151°58'00" W., thence clockwise via the arc of a 172-mile radius circle centered on the King Salmon, AK, VORTAC to long. 160°00'00" W., to the point of beginning, excluding the portion that lies within the Continental Control Area, Federal Airways and the Kodiak, AK, Transition Area.

Norton Sound, AK [Add]

That airspace extending upward from 14,500 feet MSL to FL 450 within an area bounded by a line beginning at lat. 60°00'00" N., long. 168°00'00" W.; to lat. 62°35'00" N., long. 175°00'00" W.; to lat. 65°00'00" N., long. 168°58'23" W., to lat. 68°00'00" N., long. 168°58'23" W.; to lat. 63°00'00" N., long. 165°30'00" W.; thence by a line 3 nautical miles from and parallel to the shoreline to lat. 56°31'00" N., long. 160°00'00" W.; to lat. 58°07'00" N., long. 160°00'00" W.; to lat. 57°46'00" N., long. 161°46'00" W.; to the point of beginning, excluding that portion that lies within the Continental Control Area, Federal airways and transition areas at Nome of Kotzebue, AK.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on July 2, 1984.

Harold W. Becker,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 84-18263 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 298

[Economic Regulations Amdt. No. 28 to Part 298]

Exemption for Air Taxi Operations; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the Office of Management and Budget (OMB) has approved the reporting requirements in § 298.30 of Part 298 of the Board's Economic Regulations. This approval has been granted through January 31, 1987. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Dated: July 6, 1984. Effective: June 21, 1984.

FOR FURTHER INFORMATION CONTACT: Jack Calloway, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington D.C. 20428, (202) 673-6042.

List of Subjects in 14 CFR Part 298

Air Carriers, Insurance, Reporting and recordkeeping requirements.

Accordingly, the Civil Aeronautics Board amends Part 298 of its Economic Regulations (14 CFR Part 298) by revising the note at the end of the table of contents to Part 298 to read:

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget as follows: Section 298.21(c)(2) under number 3024-0007; § 298.21(c)(1) and § 298.23(b) under number 3024-0008; § 298.61 under number 3024-0009; § 298.21(c)(4) under number 3024-0064; and § 298.30 under number 3024-0074.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-18357 Filed 7-10-84; 8:45 am]

BILLING CODE 6320-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1205

Safety Standard for Walk-Behind Power Lawn Mowers; Certification Rule; Correction of Error

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission[1] amends the certification rule issued for the Safety Standard for Walk-Behind Power Lawn Mowers to make clear that the requirement for a label stating "Meets CPSC blade safety requirements" on containers and promotional material, where a label on the mower is not visible to the consumer at the time of sale because of packaging or marketing practices, applies only to mowers manufactured before January 1, 1984.

[1] Chairman Nancy Harvey Steorts and Commissioners Stuart M. Statler and Terrence M. Scanlon voted to issue the final amendment. Commissioner Saundra B. Armstrong voted against the amendment.

DATE: This amendment is effective July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Robert Poth, Division of Regulatory Management, Consumer Product Safety Commission, Washington, D.C. 20207 phone (301) 492-6400.

SUPPLEMENTARY INFORMATION: On February 15, 1979, the Commission issued Subpart A of 16 CFR Part 1205, the Safety Standard for Walk-Behind Power Lawn Mowers (44 FR 9990). The standard contains performance and labeling requirements to reduce the risk of injury to consumers caused by contact, primarily of the foot and hand, with the rotating blade of a power mower. In the same issue of the Federal Register, the Commission proposed regulations that manufacturers, private labelers, and importers must follow to certify that their mowers comply with the safety standard (44 FR 10033). Such certification is required by section 14 of the Consumer Product Safety Act, 15 U.S.C. 2063. On December 6, 1979, the Commission issued the final certification rule as Subpart B of Part 1205. (44 FR 70380). The rule requires the certification to be in the form of a permanent label on the mower stating certain information, including the statement "Meets CPSC blade safety requirements." 16 CFR 1205.35.

Since the safety standard applies only to mowers manufactured after its effective date, it was apparent that there would be a period during which there would be on the market at the same time both complying mowers and mowers manufactured prior to the effective date of the standard that did not comply with the standard. In order that consumers would have a ready means of determining whether a particular mower complied with the standard, the proposed certification rule required the certification label to be visible and legible to the ultimate purchaser of the lawn mower prior to purchase.

However, there are circumstances where a consumer would not have an opportunity to view the assembled mower prior to purchase, such as where the mower is ordered from a catalog or where the mower is sold in its shipping carton without a display model. In order that consumers would have an opportunity to determine whether a particular model mower complied with the standard, the proposed certification rule provided (at § 1205.35(d)):

Where the label is not visible to the consumer at the time of sale because of packaging or marketing practices, an additional or temporary label or notice stating "Meets CPSC blade safety requirements for walk-behind rotary power mowers" shall also appear on the containers and promotional material used in connection with the sale of the mowers.

A comment on the proposed certification rule suggested that the temporary label for containers and promotional material would be of value only during the period shortly after the standard went into effect, when there would be both complying and noncomplying mowers on the market. After the preexisting stocks of noncomplying mowers were used up, only complying mowers would be on the market and there would be no need to have a label or statement advising consumers prior to purchase that a mower complies with the CPSC requirements. Therefore, the commenter suggested that there be a cutoff date for the requirement for a label or statement on containers and promotional material.

The Commission agreed with this comment, and the final certification rule was changed to provide that the additional label or statement for containers and promotional material was only required for mowers manufactured before January 1, 1984 (§ 1205.35(d)). (The required language for the additional label was changed in the final rule to "Meets CPSC blade safety requirements.") The discussion in the preamble to the final certification rule makes it clear that, for mowers manufactured on or after January 1, 1984, the Commission did not intend to impose any requirements for label placement, other than that the label be visible and legible to the lawn mower user.

The wording of § 1205.35(d) in the final rule, however, retained the following language from the proposal: "The label required by this section must be visible and legible to the ultimate purchaser of the lawn mower *prior to purchase*" (emphasis added). The Commission staff has recently received an inquiry about whether this language in § 1205.35(d) is intended to require any notification to the consumer in the case where the certification label on the mower is not visible to a prospective purchaser and the mower is manufactured on or after January 1, 1984. As explained above and in the preamble to the final certification rule, this was not the Commission's intent. This statement in § 1205.35(d) was intended to mean only that the certification label on the mower must be visible and legible to a prospective purchaser in the case where a display model is used. However, the preamble to the final rule is not printed in the Code of Federal Regulations. Therefore,

in order to clarify the text of the rule so that it unambiguously reflects the Commission's intent as explained in the preamble to the final certification rule, the Commission is deleting the words "prior to purchase" from the first sentence of § 1205.35(d).

This amendment merely changes the wording of the final rule to more clearly state the Commission's intent as it was explained in the Federal Register notice that issued the rule. The amendment does not change any existing practice or interpretation of the Commission and will not require any manufacturer to change present labeling practices. Therefore, this amendment is not a material change to the standard, and the provisions of sections 7 and 8 and subsections (a) through (g) of section 9 of the Consumer Product Safety Act, 15 U.S.C. 2056–2058(g), do not apply. 15 U.S.C. 2058(h). For the same reasons, this rule will not have a significant economic impact on a substantial number of small entities and will have no significant effect on the environment. Therefore, no regulatory flexibility analysis, environmental assessment, or environmental impact statement is required.

Since the amendment does not change existing practices but may serve to notify mower manufacturers that there are no longer any requirements for a label or statement on containers or in promotional literature for newly manufactured mowers, notice and public comment on this amendment are unnecessary and contrary to the public interest. Therefore, the Commission is issuing this change to the regulatory text in final form. Since this amendment is an interpretive rule that relieves a restriction, and in order that the clarification of the regulation will be implemented as soon as possible for the benefit of mower manufacturers, this amendment is effective immediately, as authorized by 5 U.S.C. 553(d).

List of Subjects in 16 CFR Part 1205

Consumer protection, Labeling, Lawn mowers, Reporting and recordkeeping requirements.

PART 1205—[AMENDED]

Therefore, for the reasons stated above, the Commission amends 16 CFR Part 1205 as follows:

1. The authority citation for Part 1205 reads as follows:

Authority: Secs. 2, 3, 7, 9, 14, 19, Pub. L. 92–573, 86 Stat. 1207, 1208, 1212–1217, 1220, 1224; 15 U.S.C. 2051, 2052, 2056, 2058, 2063, 2068; sec. 1212, Pub. L. 97–35, 95 Stat. 357.

§ 1205.35 [Amended]

2. In Part 1205, § 1205.35(d) is amended by deleting the words "prior to purchase" from the end of the first sentence.

Dated: July 5, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 18224 Filed 7-10-84; 8:45 am]

BILLING CODE 6355-01

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 102

[Docket No. 80N-0140]

Common or Usual Name for Nonstandardized Foods; Diluted Fruit or Vegetable Juice Beverages; Extension of Effective Date

Correction

In FR Doc. 84–17273, appearing on page 26541, in the issue of Wednesday, June 27 1984, make the following corrections:

1. In the First column, in the Summary, in the eleventh line, "EDA" should read "FDA"

2. In the second column, in the For Further Information Contact paragraph, the last line should read "0177"

3. In the second column, in Supplementary Information, in the second paragraph, in the seventh line "49 FR 22931" should read "49 FR 22831"

4. In the third column, in the seventeenth line, "104" should read "1041"

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

Sale and Disposal of National Forest System Timber; Suspension and Debarment of Timber Purchasers

AGENCY: Forest Service, USDA.

ACTION: Extension of interim rule.

SUMMARY: On May 27 1983, the Department of Agriculture promulgated an interim rule, at 36 CFR 223.12, governing debarment and suspension of National Forest System timber purchasers (48 FR 23818). This rule essentially adopted the revised policies and procedures on debarment and suspension contained in the Federal Procurement Regulations; however, necessary modifications were made to accommodate the Forest Service timber sale program. The intended effect was to ensure that Forest Service timber sale contracts are awarded to responsible purchasers.

Subsequent to issuing the interim rule at 36 CFR 223.12, Part 223 was recodified (49 FR 2760). The interim rule is now codified as Subpart C and paragraphs (a) through (p) of former § 223.12 are now §§ 223.130–223.145, respectively.

At the time the interim rule was issued, the Department stated its intent that the rule remain in effect only one year. However, unforeseen delays in issuing a proposed rule require that the interim rule remain in effect until a final rule governing debarment and suspension of timber purchasers can be issued. Failure to extend the interim rule would deprive the government of appropriate procedures for protecting the public interest on timber sale contracts.

EFFECTIVE DATE: The interim rule is extended effective July 11, 1984, and remains in effect until removed by subsequent rulemaking.

FOR FURTHER INFORMATION CONTACT: Lloyd W. Olson, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 475–3758, or Rhea Daniels Moore, Attorney, Natural Resources Division, Office of the General Counsel, USDA (202) 447–4801.

Dated: June 28, 1934.

Douglas W. MacCleary,

Deputy Assistant Secretary for Natural Resources and Environment.

[FR Doc. 84-18479 Filed 7-10-84; 8:57 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 3

Eligibility for Annual Clothing Allowance

AGENCY: Veterans Administration.

ACTION: Final regulatory amendment.

SUMMARY: The Veterans Administration is amending its adjudication regulations concerning basic eligibility for the annual clothing allowance available to certain disabled veterans. This action is required because, in accordance with 38 U.S.C. 351, certain disabilities which are not related to military service may also establish eligibility for this benefit. The intended effect of this regulatory amendment is to expand the class of veterans eligible for the annual clothing

allowance in accordance with that determination.

EFFECTIVE DATE: May 12, 1983.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Compensation and Pension Service (211B), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW, Washington, DC 20420, (202) 389-3005.

SUPPLEMENTARY INFORMATION: On pages 10945 and 10946 of the Federal Register of March 23, 1984, the Veterans Administration published a proposed amendment to 38 CFR 3.810. Interested persons were given 30 days to submit comments, suggestions, or objections to the proposed amendment. Since no comments, suggestions or objections were received, the amendment has been adopted as proposed.

The Administrator has certified that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, claims, handicapped, health care, pensions, veterans.

(Catalog of Federal Domestic Assistance program number is 64.109)

Approved: June 18, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3 ADJUDICATION, is amended by revising § 3.810(a) to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose disability is compensable under chapter 11 of Title 38, United States Code is entitled, upon application therefor, to an annual clothing allowance as specified in 38 U.S.C. 362. The annual clothing allowance is payable in a lump sum, and the compensable disability must be either service-connected or compensable under 38 U.S.C. 351 as if it were service-connected. The following eligibility criteria must also be satisfied:

(1) A VA examination or hospital or examination report from a facility specified in § 3.326(c) discloses that the veteran wears or uses certain prosthetic or orthopedic appliances which tend to wear or tear clothing (including a wheelchair) because of such disability and such disability is the loss or loss of use of a hand or foot compensable at a rate specified in § 3.350 (a), (b), (c), (d), of (f); or

(2) The Chief Medical Director or designee certifies that because of such disability a prosthetic or orthopedic appliance is worn or used which tends to wear or tear the veteran's clothing. For the purposes of this paragraph "appliance" includes a wheelchair.

(38 U.S.C. 210(c))

* * * * *

[FR Doc. 84-18293 Filed 7-10-84; 8:45 am]

BILLING CODE 8320-01-M

---

38 CFR Part 36

Loan Guaranty; Substitution of Home Loan Entitlement When Veteran-Transferee Is Not an Immediate-Transferee

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) in implementing the Veterans' Compensation and Program Improvements Amendments of 1984, is amending its regulations to conform to a statutory change allowing substitution of entitlement when the veteran assuming a VA loan is not the immediate-transferee of the original veteran-purchaser. This change allows some veterans to regain their entitlement and acquire another VA-guaranteed home loan.

EFFECTIVE DATE: March 2, 1984.

FOR FURTHER INFORMATION CONTACT: George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-3042.

SUPPLEMENTARY INFORMATION: These amendments implement the provision of section 204 of The Veterans' Compensation and Program Improvements Amendments of 1984 (Pub. L. 98-223, 98 Stat. 37). Previously, the statute allowed a veteran's entitlement to be restored if:

(1) The property which served as security for the loan has been disposed of by the veteran, or has been destroyed by fire or other natural hazard; and

(2) The loan has been repaid in full, or the Administrator has been released from liability as to the loan, or if the Administrator has suffered a loss on said loan, such loss has been repaid in full; or

(3) An immediate veteran-transferee has ageed to assume the outstanding balance on the loan and consented to the use of his or her entitlement to the extent the entitlement of the veteran-transferor had been used originally, and the veteran-transferee is otherwise considered eligible.

In the present real estate market, the sale of a home with the assumption of the existing mortgage loan is becoming more common. The fact that VA-guaranteed loans are freely assumable is an important feature of this type of financing. The substitution of entitlement feature has enabled veteran-purchasers to take advantage of the assumability of the VA loan, and has also benefited veteran-sellers by allowing them to obtain new VA financing for another home. It is being found, however, that loans are often assumed by two or more different purchasers, and an increasing number of requests are being received for substitution of entitlement when the veteran assuming the loan is not an immediate transferee of the original veteran. These developments gave rise to section 204 which is intended to permit assumptions in these circumstances. This change permits substitution of entitlement even if the veteran assuming the VA-guaranteed loan is not the immediate transferee of the original veteran-purchaser. As the result of this legislation, many veterans will be able to utilize their loan guaranty benefits again to purchase a home, and more veterans will be able to use their VA benefits to assume and existing loan.

Technical amendments have also been made to the appropriate sections of the regulations to change the term "mobile home" to "manufactured home." These changes are made so that the terminology of the regulations will be in conformity with the language of Pub. L. 97-306, 96 Stat. 1429, enacted October 14, 1982.

These amendments conform the existing regulations to the requirements fo Pub. L. 98-223. Since these regulation changes simply repeat a statutory change intended to provide an additional benefit to veterans seeking VA-guaranteed home loans, the VA is not seeking public participation in promulgating these regulations. The intent of this liberalizing legislation is clear, and prior publication for public comment is unnecessary. Accordingly, these changes come within exceptions the general VA policy of prior publication of proposed regulatory development as set out in 38 CFR 1.12.

Because a proposed notice is not necessary and will not be published, these changes do not come within the definition of the term "rule" (5 U.S.C. 601(2)) under the Regulatory Flexibility Act, and are not subject to the requirements of that Act.

The regulations have been reviewed under Executive Order 12291, entitled Federal Regulation, and are not considered major as defined in the Executive Order. The regulations will not impact on the public or private sectors as a major rule. They will not have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These amendments are adopted under authority granted to the Administrator be sections 210(c), 1802(b)(2), 1803(c)(1) and 1819)g) to Title 38, United States Code, and the enabling legislation.

(Catalog of Federal Domestic Assistance Program numbers, 64.114 and 64.119)

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: June 12, 1984.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator

PART 36—[AMENDED]

38 CFR Part 36, Loan Guaranty, is amended as follows:

§ 36.4203 [Amended]

1. In § 36.4203, paragraph (a)(3) is amended by removing the words "An immediate" and substituting the word "A"

§ 36.4302 [Amended]

2. In § 36.4302, the introductory portion of paragraph (c) is amended by changing the word "ascertainment" to "computation"; paragraphs (c) (1), (2) and (3) are amended by changing the word "mobile" to "manufactured" wherever it appears; and paragraph (h) (3) is amended by removing the words "An immediate" and substituting the word "A"

(Pub. L. 98-223, sec. 204)

[FR Doc. 84-18291 Filed 7-10-84; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[OAR-FRL-2626-3]

Air Programs; Approval and Promulgations of State Implementation Plans; Utah TSP Nonattainment Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice approves the Utah State Implementation Plan (SIP) for total suspended particulates (TSP) in Salt Lake County and eliminates the current major stationary source construction moratorium for TSP in Salt Lake County. The most recent supplemental information related to that portion of the SIP was submitted to EPA on February 3, 1984. This notice also redesignates Salt Lake County and Utah County to attainment for TSP under section 107 of the Clean Air Act. Finally, this notice corrects an error in the December 21, 1983 (48 FR 56378) approval of the Utah Carbon Monoxide Plan for Provo, Utah.

DATES: This action will be effective on September 10, 1984, unless notice is received by August 10, 1984, that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices.

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Robert DeSpain, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3471.

SUPPLEMENTARY INFORMATION: This action addresses several issues related to the State Implementation Plan (SIP) for Utah. These are each discussed below:

Salt Lake County TSP Plan

On December 21, 1981 (46 FR 61859), EPA approved, for the most part, the Utah SIP for TSP nonattainment areas. That action explained that the SIP did not have enforceable opacity limits for some stacks at the Kennecott Copper Company's smelter in Magna, and for two Utah Power and Light facilities. Because of the need to have a method to insure continuing compliance, EPA previously withheld approval of the SIP for those sources.

On March 1, 1982, the State of Utah submitted a SIP revision which addressed all of the sources at issue except for the main stack at the Kennecott smelter. At that time the State was working with the Company on the best approach to meet the requirement for that stack. On June 11, 1982 (47 FR 2536), EPA approved the submission; but because of the continuing deficiency with regard to the smelter stack, EPA was not able to approve the overall SIP and left the construction moratorium in effect in Salt Lake County.

The Kennecott Minerals Company (KMC) has maintained that because of the unique nature of their process, plume opacity is not a true reflection of the emissions from the stack. As a substitute the Company has proposed a "continuous" in-stack sampling method which collects a 24-hour sample of the particulates in the gas stream. However, the proposed method which would be used for determining compliance with the SIP has never been shown to be equivalant to the method 5 stack test

procedure endorsed by EPA. Because of the uncertainty as to the validity of the proposed method, EPA could not approve the plan without a comparison to Method 5. Such a comparison was made by the Company during December 1981. On December 27 1982 and February 3, 1984, the state submitted the results of the comparison as well as additional information regarding the quality assurance procedures to be followed by the Company in utilizing its suggested method. After a thorough review of the comparison study and sampling procedures, EPA has determined that the stack sampling method employed at the Kennecott smelter is a valid technique for compliance purposes.

With resolution of this final issue regarding the Part D particulate SIP in Salt Lake County, EPA is now approving that plan and removing the construction moratorium.

Section 107 Designations

On December 2, 1983 (48 FR 54348) following requests from the State of Utah, EPA redesignated several areas in Utah from nonattainment to attainment under section 107 of the Clean Air Act. In that action EPA declined to redesignate Salt Lake and Utah Counties.

EPA did not address the Salt Lake County attainment designation request because, at the time, there was no approved Part D SIP for Salt Lake County. With the approval of the plan, EPA can now examine the ambient air quality record and act on the redesignation request. The last violation of the primary TSP standard in Salt Lake City occurred in 1980 and the last violation of the secondary TSP standard occurred in 1981. During those years the State had not been monitoring in accordance with the EPA approved reference methods. The State began reference method monitoring in Salt Lake County in April 1982. Since that time, no monitoring station in Salt Lake County has exceeded the secondary standard of 150 micrograms per cubic meter in more than one 24-hour period. The Salt Lake County station with the highest recorded annual geometric mean recorded an average of 57 micrograms per cubic meter.

Because there is now an approved SIP for Salt Lake County and the three monitoring stations have shown attainment since 1981, EPA can redesignate the County to attainment for the TSP primary and secondary standard.

Utah County was designated nonattainment for TSP because of violations caused by the U.S. Steel facility. However, with implementation of the SIP for that facility and institution of reference method sampling in Utah County, measured air quality levels have dropped significantly. As with Salt Lake County, the last measured violation of the primary standards in Utah County occurred in 1980 and the last measured violation of the secondary standard occurred in 1981. Since the State began to use reference method sampling in 1982, the highest measured TSP concentration in Utah County has been 138 micrograms per cubic meter. Therefore, EPA can now redesignate Utah County to attainment for TSP for both standards.

Correction of Provo Carbon Monoxide Approval

On December 21, 1983 (48 FR 56378) EPA approved the carbon monoxide plan for Provo, Utah. However, in that action EPA failed to approve the new attainment date for Provo. This action corrects that error and extends the Provo attainment date to February 1, 1986.

The public is advised that this action will be effective September 10, 1984. However, if we receive written notice by August 10, 1984, that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw this final action and another will begin a new rulemaking by announcing a proposal of this action and providing for a public comment period.

Under section 305(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 1984. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects

40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

This rulemaking is issued under the authority of sections 107, 110, 172 and 176 of the Clean Air Act (42 U.S.C. 7407, 7410, 7502 and 7506).

Note.—Incorporation by reference of the State Implementation Plan for the State of Utah was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 2, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart TT—[Amended]

1. Section 52.2320 is amended by adding paragraph (c)(16) as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(16) Additional information regarding stack monitoring at the main stack at the Kennecott Copper Smelter in Salt Lake City was submitted on December 27, 1982, and February 3, 1984.

§ 52.2324 [Removed]

2. Section 52.2324 is removed.

§ 52.2330 [Removed]

3. Section 52.2330 is removed.

4. In Section 52.2322, paragraph (j) is revised to read as follows:

§ 52.2322 Extensions.

* * * * *

(j) The Administrator hereby extends to February 1, 1986, the attainment date for the national standards for carbon monoxide in the City of Provo.

§ 52.2331 [Amended]

5. In Section 52.2331, footnote (d) is revised to read February 1, 1986.

PART 81—[AMENDED]

Title 40, Part 81 of the Code of Federal Regulations is amended as follows:

Subpart C—[Amended]

§ 81.3451 [Amended]

In Section 81.345, the TSP Table is amended by removing the words "Portions of Salt Lake County" and "Portions of Utah County" and by removing the words "Rest of State" and inserting, in their place, the words "Entire State"

[FR Doc. 84-18317 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[WH-FRL-2626-2]

Montana; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on Application of Montana for Final Authorization.

SUMMARY: Montana has applied for final authorization to operate a State hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Montana's application and has reached a final determination that Montana's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to the State to operate its program in lieu of the Federal program.

EFFECTIVE DATE: Final Authorization for Montana shall be effective at 1:00 p.m. on July 25, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Harris, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59626, (406) 449-5414, FTS 585-5414.

SUPPLEMENTARY INFORMATION: Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows the Environmental Protection Agency (EPA) to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. To qualify for final authorization, a State's program must: (1) Be "equivalent" to the Federal program, (2) be consistent with the Federal program and other State programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On January 23, 1984, Montana submitted a complete application to obtain final authorization to administer the RCRA program. On April 6, 1984, EPA published a tentative decision announcing its intent to grant Montana final authorization. Further background on the tentative decision to grant authorization appears at Vol. 49, No. 68 Federal Register, Page 13716, April 6, 1984.

Along with the tentative determination EPA announced the availability of the application for public comment and the date of a public hearing on the application. The public hearing was held on May 15, 1984.

During the public hearing, one statement was presented by the State of Montana, Environmental Quality Council supporting State authorization. No other public comments were received.

The tentative determination to authorize the State of Montana was made based on Montana's commitment to provide additional materials to EPA. The materials were presented and reviewed on May 14, 1984, and adequately addressed EPA's prior concerns as follows:

1. The Program Description should include a strategy for the permitting of all facilities in the State of Montana. This strategy should include the frequency of permit application requests, an end date target for issuance of all existing facility permits in the State, and the typical processing schedule for a given facility by type.

Montana has prepared a schedule for requesting permit applications and permitting all facilities within the state by 1987 The schedule has been appended to the application.

2. A more detailed description of the use of Montana's enforcement authority is needed. The description should define formal and informal enforcement actions and when each is used. Typical timeframes should be added to the enforcement flowchart and a compliance tracking step should be added for enforcement activities.

The State expanded on their enforcement program and has added the mentioned items to the flowchart.

3.a. The compliance monitoring tracking system must be better described in the Program Description to define how the system keys necessary follow-up actions.

A description of the process for determining follow-up actions as the result of compliance monitoring has been provided.

b. A priority procedure for scheduling inspection follow-up to citizen complaints, not presently covered in the inspection schedule, must be added to the application. The State has added this procedure.

4. The State of Montana should have the ability to regulate radioactive wastes which exhibit a hazardous characteristic and are not controlled under the Atomic Energy Act in a manner equivalent to the Federal program. This concern can be resolved by indicating whether Montana's radioactive waste statute limits DHES' authority to manage all hazardous wastes. DHES has indicated that nothing contained in the radioactive waste statute limits the application of the Hazardous Waste Management Act.

Montana will issue all hazardous waste management permits within the State. There are currently four permit applications under joint review by EPA and DHES. The permits for these facilities will not be ready for issuance until after final authorization, and therefore, issuance will be the State's responsibility

The State of Montana has determined that it does not have regulatory authority on Indian Reservations in Montana. Responsibility for the implementation of the hazardous waste management program on Montana Reservations remains with EPA.

Decision

After reviewing the public comment and the changes the State has made to its application/program since the tentative decision, I conclude that Montana's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Montana is granted final authorization to operate its hazardous waste program. This means that Montana now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program. Montana also has primary enforcement responsibility, although EPA retains the right to take enforcement actions under Section 3008 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal regulations in favor of Montana's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Authority: This notice is issued under the authority of section 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 5, 1984.

John G. Welles,

Regional Administrator.

[FR Doc. 84-18157 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

48 CFR Ch. 15

[AAA-FRL-2626-4]

Environmental Protection Agency Acquisition Regulation (EPAAR)

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This final rule amends the office designation for obtaining final audit reports and submitting termination settlement proposals, and removes a section on obtaining preaward clearance from the Office of Federal Contract Compliance Programs (OFCCP) in the Department of Labor. This rule is necessary to remove and amend outdated provisions in the EPAAR.

DATES: This rule is effective July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Edward J. Murphy, Procurement and Contracts Management Division (PM-214), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-5034.

SUPPLEMENTARY INFORMATION: Section 1504.805-5 addresses detailed procedures for closing out contract files. This rule amends the office designation for obtaining final audit reports and submitting termination settlement proposals. Section 1504.804-5 presently refers to the Planning and Cost Advisory Branch, Procurement and Contracts Management Division. The correct designation is the cost advisory group in the contracting office.

Section 1522.805 addresses procedures for obtaining preaward clearances from the OFCCP The clearance requests are no longer forwarded to the EPA Office of Civil Rights, but go directly to OFCCP

The procedures in these sections are internal to EPA and do not impact EPA's contracting relationships with the public. The Agency has therefore not invited public comments on this rule.

Executive Order 12291

The Director, Office of Management and Budget, has exempted agency procurement regulations from the requirements of Executive Order 12291 by memorandum dated December 15, 1983.

Regulatory Flexibility Act

The EPA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act of 1980, Pub. L. 96-354.

List of Subjects in 48 CFR Chapter 15

Government procurement, EPA acquisition regulations.

For the reasons set out in the preamble, 48 CFR Chapter 15 is amended as set forth below:

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

1. Section 1504.804-5 is revised to read as follows:

1504.804-5 Detailed procedures for closing out contract files.

In addition to those procedures set forth in FAR 4.804-5, the contracting office shall, before final payment is made under a cost reimbursement type contract, verify the allowability, allocability, and reasonableness of costs claimed. Verification of total costs incurred should be obtained from the Office of Audit through the cost advisory group at the contracting office in the form of a final audit report. Similar verification of actual costs shall be made for other contracts when cost incentives, price redeterminations, or cost-reimbursement elements are involved. Termination settlement proposals shall be submitted to the cost advisory group at the contracting office for review by the Office of Audit as prescribed by FAR 49.107 All such audits will be coordinated through the cost advisory group in the contracting office. Exceptions to these procedures are the quick close-out procedures as described in 1542.708 and Unit 2 of the EPA Acquisition Handbook.

1522.805 [Removed]

2. Section 1522.805 is removed.

Authority: Section 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

Dated: July 2, 1984.

John C. Chamberlin,

Director, Office of Administration.

[FR Doc. 84-18318 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 821

Rules of Practice in Air Safety Proceedings; Amendments

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: These amendments revise and update certain portions of the Board's Rules of Practice in Air Safety Proceedings.

The Safety Board conducts three types of proceedings under Part 821 of its Rules of Practice. These are: (1) The review of denials of requests for certification made under Section 602 of the Federal Aviation Act of 1958, as amended (42 U.S.C. 1422 et seq.) (the Act) which deal almost exclusively with denials of airman medical certification; (2) the review of suspension and revocation actions, among others, taken by the FAA against airman and other aviation certificates pursuant to section 609 of the Act; and (3) the expedited review of suspensions and revocations taken by the FAA under the emergency authority.

Recommendations for changes to our procedural rules have been received from both the FAA and from counsel for persons who have sought relief through the Safety Board's administrative review procedures. The Board has weighed and considered the recommendations that have been made and adopts amendments to its rules that would enhance the Board's ability to accord parties to its appeal procedures a more favorable forum for the just and expeditious resolution of the issues.

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: John M. Stuhldreher, General Counsel, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594; Telephone: 202-382-6540.

SUPPLEMENTARY INFORMATION:

Public Comments

By a notice of proposed rulemaking published September 1, 1983 at 48 FR 39657 interested persons were invited by the Board to participate in the making of the rules proposed therein by the submission of written data, views or arguments.

Five comments were received in response to the notice. These were from the Air Line Pilots Association (ALPA), the National Business Aircraft Association (NBAA), the Federal

Aviation Administration (FAA), and an attorney and a law firm that participate in Board air safety enforcement and in airman medical proceedings. The majority of the commenters expressed satisfaction with the Board's proposal to permit parties to commence the discovery process without prior approval by the Chief Admmistrative Law Judge or of the law judge assigned to the case. Commenters also expressed satisfaction with the Board's proposal to use the date on the certificate of service to establish the date of service. Both proposals have been adopted in this final rule.

All commenters expressed concern regarding the Board's expressed intention to expand the discovery process to include interrogatories to non party witnesses, outside the deposition framework and without prior approval by a law judge. As proposed, § 821.19(a) would have permitted interrogatories to non party witnessess, not necessarily confined to the deposition setting. As a result of these adverse comments, the Board has decided to continue its current regulatory policy in respect to written questions and that is that they be used exclusively within the deposition setting. However, § 821.19(b) is being amended to reflect the current practices of use of written interrogatories to parties.

A second major area of concern was the proposed limitation on the admission into evidence of medical data and information developed after the Administrator has issued a final denial. Although we have considered carefully the objections raised and the recommendations made, especially in light of the fact that the Board believes that a fully developed medical record is essential to its decisional process, we have determined that § 821.24(e), as proposed, is an appropriate device for permitting the Administrator to review all current medical data and information before hearing, that such a practice will not limit the development of a full and fair record, and that it will, in some cases, encourage a settlement before hearing.

A number of commenters requested that proposed § 821.17 be expanded to permit either party to file a motion to dismiss or for judgment on the pleadings. As proposed, § 821.17 would permit only "the party that carries the burden of proof" to file such a motion. In light of the fact that both the FAA and the other commenters who represent a variety of interested parties are in agreement that the right to file such a motion should be extended to all parties, and especially in light of the fact that the law judge will have full discretion in ruling on any such motion and the ruling is reviewable by the Board, we do not believe that extension of the right to file such a motion to all parties is too great a departure from the proposal as to require further notice and opportunity for public comment. As adopted, § 821.17 will extend the right to file such a motion to all parties of record.

In its comment in response to the notice, the FAA strongly urged the Board to reconsider its decision not to adopt the discovery provisions of the Federal Rules of Civil Procedure. As proposed, the Board expressly provided in § 821.19 that the Federal Rules be "instructive rather than controlling." Adoption of the discovery provisions of the Federal Rules, or, for that matter, of other portions of the Federal Rules, was considered and rejected by the Board in favor of a more conservative approach to improvement of both the discovery process and of other procedural aspects of the Board's air safety hearing process. If the Board, at some future time, becomes persuaded that outright adoption of the Federal Rules would be advisable, further appropriate rulemaking will be undertaken.

One commenter proposed the establishment of a panel, consisting of representatives from the groups that actually are subject to the rules, to discuss not only the changes that have been proposed but also possible additional changes. The Board does not believe that such a device is necessary to effect changes in the rules. We are always open to suggested rule-changes from any interested person and such suggestions can be considered in the normal rulemaking process.

Other recommendations were made in support of institution of procedures to expedite the processing of aviation medical cases, one commenter pointing out that the Board's aviation medical adjudications often directly affect the immediate economic interests of the petitioning airman, and they involve a true need for swift resolution because the airman is deprived of the use of his/her certificate until the matter is resolved. Although the Board is fully aware of the consequence imposed upon any pilot who is without his/her airman medical certificate pending the outcome of the Board review procedure, we are not ready to impose a time limit on the decisional process either at the administrative law judge level or at the Board level. The development of a full and fair record upon which a reasoned determination can be made, and the process of the determination itself, are both steps in the process that require a reasonable amount of time. Nevertheless, within this constraint, the Board has made and will continue to make every effort to expedite the overall process.

Discussion of other comments has been included in the section-by-section analysis. Any comments not discussed have been determined to be beyond the scope of the notice of proposed rulemaking.

Section-by-Section Analysis

These rules amend provisions in Part 821 of the Board's Rules of Practice in Air Safety Proceedings (49 CFR Part 821). The Board's rationale for these amendments is found in the preamble to the notice of proposed rulemaking (48 FR 39657). The following discussion addresses only changes that have been made to the proposal in light of the comments received.

Section 821.1

In light of the objections that have been raised to the use of the interrogatory to obtain the statement of a non party witness outside the deposition setting, the Board has decided to continue to limit the use of written questions to the deposition setting for both parties and non party witnesses alike. As a result of the Board's determination to continue its current practice, the definition of the term interrogatory is eliminated. That term will carry its usual meaning, i.e., a written interrogatory addressed to a party. Section 821.19(b), as adopted, will reflect the Board's current practice of permitting a written interrogatory to be directed to a party.

Section 821.2

Although the suggestion was made that the provision read: "including denials of airman certificates" in lieu of the proposed " including proceedings involving airman medical certification," the Board is adopting the rule as proposed because the purpose of the changes was to clarify the fact that airman medical proceedings are governed by Part 821. An editional change has been made to clarify the distinction between section 602 and section 609 proceedings.

Section 821.6

For the reasons set forth in the section-by-section analysis to the proposal, the subject section is being adopted as proposed. The recommendation that a change be made to exclude non attorneys as representatives has already been

addressed in the notice of proposed rulemaking.

Section 821.7

Is adopted as proposed, with language added to parallel § 821.8(h).

Section 821.8

In the interests of clarity, the FAA recommends that the title of § 821.8(c) be changed from "How Service May be Made" to "Service by Others." We are adopting this editorial suggestion. Otherwise, § 821.8 is adopted as proposed.

Section 821.9

Is adopted as proposed.

Section 821.17

For the reasons discussed in the section of the preamble entitled "public comment," § 821.17 is adopted with the modification suggested by the commenters.

Section 821.18

The FAA's comment was a repetition of its original recommendation, already considered by the Board. We note for the record that the FAA recommends the a new § 821.18(b) be adopted to provide for a motion to strike from an answer any insufficient defense or any redundant or otherwise immaterial matter. In actual practice, however, the answer to the FAA's complaint, filed in a section 609 proceeding, is, in most cases, a mere admission or denial without elaboration. In a section 602 proceeding, it is the FAA that answers. In the Board's experience, a problem of redundant or immaterial matter in the answer in either proceeding has not yet surfaced. Since we perceive no problem, we fail to perceive the need for a solution. Section 821.18 is adopted as proposed.

Section 821.19(a)

As adopted, § 821.19(a) permits parties to commence the discovery process without prior approval of the Chief Law Judge or the law judge assigned to the case. However, in response to the concerns expressed by commenters in respect to the proposed use of the interrogatory to obtain a statement from an non party witness, the Board has decided to continue its current regulatory practice, as expressed in current § 821.19, of confining the use of written questions to the deposition setting for all witnesses, party and non party alike. However, § 821.19(b) has been rewritten to reflect the fact that the Board permits written interrogatories to be served on either party of record but with the requirement that a copy of written interrogatory be served on the law judge assigned to the case.

Section 821.19(b)

The FAA has objected to the Board's proposal that the exchange of information by parties be initiated, as an alternative, at the direction of the law judge. The FAA believes that the matter of discovery is best left to the parties. In light of the fact that the majority of commenters have expressed their approval of the Board's proposal to permit the parties to pursue discovery without prior law judge approval, the Board has, on reconsideration, decided against adoption of the proposal that would permit a law judge to initiate the exchange of information.

Section 821.24

Despite adverse comments and alternative suggestions, the Board has decided to adopt § 821.24(e) as proposed. It is a compromise between the FAA recommendation that the Federal Air Surgeon and his consultants be given a greater length of time for evaluation of new evidence and the ALPA comment that evidence of continued fitness provided by a medical examination shortly before the hearing should be admissible at the hearing without affording the FAA a 30-day prior period for evaluation. ALPA believes that the proposed 30-day limitation will discourage a petitioner from obtaining a recent evaluation. The FAA believes that the 30-day period will not be a sufficient time for the government's evaluation. We perceive no reason why the FAA medical expert witness or witnesses cannot evaluate any recent data submitted, concurrent with their evaluation of the medical record upon which disqualification was based, in preparation for hearing presentation. While we acknowledge the ALPA concerns, we believe that the 30-day evaluation period afforded the FAA will not discourage petitioners from obtaining a current medical evaluation before hearing and that it may, in some cases, lead to a settlement before the hearing.

A third commenter requested that the proposed section be clarified in respect to the meaning of the term "medical testing and evaluation." We agree that the term "medical testing or medical evaluation" is clearer and are adopting that terminology in preference to the proposed wording. The term "medical testing or medical evaluation" applies only to the condition of the petitioner and does not apply to other medical data such as medical journal articles or other learned treatises that could conceivably be offered into evidence by either party and sponsored by its expert medical witnesses. Such materials can be evaluated by the law judge at the hearing at which time the appropriate weight to be given them will be assigned. A fourth comment recommended that the same 30-day rule should be applied to new evidence offered by the FAA. As a practical matter, however, the only evidence of medical testing or medical evaluation that is available to the FAA is evidence submitted to the FAA by a petitioner or his physicians. The FAA does not itself conduct any type of medical testing or other similar evaluation; hence, the FAA does not have in its possession any evidence of the nature that has not yet been seen by a petitioner or his physicians.

Section 821.31

The FAA opposes the proposed provision that permits a respondent to amend his answer to include affirmative defenses *at any time prior* to the date of hearing, pointing out that the proposal does not afford the Administrator opportunity to prepare a rebuttal. The FAA also points out that the proposal is inconsistent with § 821.12(a) which requires that amendments to pleadings be made at least 15 days prior to hearing. The Board did not intend to extend the time for filing amendments to pleadings beyond the time permitted in § 821.12(a). In order to forestall costly continuances after arrival at the hearing site, the Board has decided to emphasize the fact that § 821.12(a) applies to any amendment to a pleading.

Section 821.37

Several commenters recommended that the requirement that parties be given 30 days advance notice of the date, time, and place for hearing be amended to permit a shorter period when mutually agreed upon by both parties. This section has been amended to provide that, in the event that all parties and the law judge agree to a shorter notice period, notice of less than 30 days will be permitted. We anticipate that such occasions will be relatively infrequent. In our experience, both parties need a 30-day notice period for case preparation and in order to accommodate the needs of prospective witnesses. Moreover, the 30-day lead time affords law judges an opportunity to adjust their hearing schedules.

Sections 821.48 and 821.57

All additional recommendations for changes to filing dates are beyond the scope of the notice of proposed

rulemaking, and §§ 821.48 and 821.57 are adopted as proposed.

Section 821.64

Most commenters recommended that proposed § 821.64 reflect the fact that the Independent Safety Board Act of 1974, as well as the Federal Aviation Act of 1958, provides for judicial review of final Board orders. Proposed § 821.64 has been redrafted to reflect that fact and is adopted as so modified.

Authority

Title VI, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1421 et seq., and Sec. 304(a)(9) of the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1903).

List of Subjects in 49 CFR Part 821

Administrative practice and procedure, Airmen, Aviation safety.

PART 821—[AMENDED]

Accordingly, Part 821 of the Safety Board's Rules of Practice in Air Safety Proceedings is amended, effective August 10, 1984, as follows:

(1) By revising § 821.2 to read as follows:

§ 821.2 Applicability and description of part.

The provisions of this part govern all air safety proceedings, including proceedings involving airman medical certification, before a law judge upon petition for review of the denial of any airman certificate or upon appeal from any order of the Administrator amending, modifying, suspending, or revoking any certificate, and upon appeal to the Board from any order or decision of a law judge.

(2) By adding a new paragraph (d) to § 821.6 to read as follows:

§ 821.6 Appearances and rights of witnesses

* * * * *

(d) Any party to a proceeding who is represented by an attorney shall notify the Board of the name and address of that attorney. In the event of a change in counsel of record, a party shall notify the Board, in the manner provided in § 821.7(a), and the other parties to the proceeding, prior to participating in any way, including the filing of doucments, in any proceeding.

(3) By revising § 821.7(a) to read as follows:

§ 821.7 Filing of documents with the Board.

(a) *Filing address, date and method of filing.* Documents to be filed with the Board shall be filed with the following: Office of Administrative Law Judges, National Transportation Safety Board, Washington, DC. 20594, by personal delivery or by mail (including U.S. Government franked envelope) and shall be deemed to be filed on the date of personal delivery, on the mailing date shown on the certificate of service, on the date shown on the postmark if there is no certificate of service, or on the mailing date shown by other evidence if there is no certificate of service and no postmark.

* * * * *

(4) By revising 821.8 (a), (c), (e), and (h) to read as follows:

§ 821.8 Service of documents.

(a) *Service by the Board.* The Board will serve orders, notices of hearing, and written initial decisions upon all parties to the proceeding by certified mail. Other documents will be served by certified mail or by regular mail (including U.S. Government franked envelope).

* * * * *

(c) *Service by others.* Service may be made by personal delivery, by certified mail, or by regular mail (including U.S. Government franked envelope).

* * * * *

(e) *Where service may be made.* Service by regular or certified mail shall be made at the address of the person designated in accordance with § 821.7(f) to receive service, or, if no such person is designated, at the usual residence or principal place of business of the party, or, if not known, at the address last furnished by him to the Federal Aviation Administration, except that an agent designated by an air carrier under section 1005(b) of the Act shall be served only at his office or usual place of residence. Service by mail on the Administrator shall be made at the office of his designee to receive service, or if none, at the Federal Aviation Administration, Office of the Chief Counsel, Washington, D.C. 20591. Personal service may be made on any of the persons described in paragraph (d) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005(b) of the Act may be served only at his office or usual place of residence.

* * * * *

(h) *Date of service.* Whenever proof of service by mail is made, the date of service shall be the mailing date shown on the certificate of service, the mailing date shown by the postmark if there is no certificate of service, or the mailing date as shown by other evidence if there is no certificate of service and no postmark. Where personal delivery is made, the date of service shall be the date of personal delivery.

(5) By revising § 821.9 to read as follows:

§ 821.9 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the law judge finds that such person may be bound by any order to be entered in the proceeding, or that such person has a property, financial, or other legitimate interest which may not be adequately represented by existing parties, and that such intervention will not unduly broaden the issues or delay the proceedings. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than 10 days prior to hearing. The extent to which an intervenor may participate in the proceedings is within the discretion of the law judge.

(6) By revising both the title and the text of § 821.17 to read as follows:

§ 821.17 Motion to dismiss and for judgment on the pleadings.

(a) *General.* A motion to dismiss may be filed within the time limitation for filing an answer, except as otherwise provided in paragraph (d) of this section. If the motion is not granted in its entirety, the answer shall be filed within 10 days of service of the law judge's order on the motion.

(b) *Judgment on the pleadings.* A party may file a motion for judgment on the pleadings where no answer has been filed or where there are no issues to be resolved.

(c) *Appeal of dismissal orders and grants of motions for judgment on the pleadings.* When a law judge grants a motion for judgment on the pleadings or a motion to dismiss in lieu of an answer and terminates the proceeding without a hearing, an appeal of such order to the Board may be filed pursuant to the provisions of § 821.47 When a law judge grants a motion to dimiss in part, § 821.16 is applicable.

(d) *Motions to dismiss for lack of jurisdiction.* A motion to dismiss on the ground that the Board lacks jurisdiction may be made at any time.

(7) By revising both the title and the text of § 821.18 to read as follows:

§ 821.18 Motion for more definite statement.

(a) A party, in lieu of an answer, may file a motion requesting that the allegations in the complaint or the petition be made more definite and certain. The motion shall point out the defects complained of and the details

desired. If the motion is granted and the law judge's order is not complied with within 15 days after notice, the law judge shall strike the allegation or allegations in any complaint or petition to which the motion is directed. If the motion is denied, the moving party shall file an answer within 10 days after the denial.

(b) A party may file a motion to clarify an answer in the event that it fails to respond clearly either to the complaint or to the petition for review. Such a motion may be granted at the discretion of the law judge.

(8) By revising both the title and the text of § 821.19 to read as follows:

§ 821.19 Depositions and other discovery.

(a) *Initiation of discovery.* After a petition for review or a complaint is filed, any party may take the testimony of any person, including a party, by deposition, upon oral examination or written questions, without seeking prior Board approval. Reasonable notice shall be given in writing to the other parties of record stating the name of the witness and the time and place of the taking of the deposition. A copy of any notice of deposition shall be served on the Office of Administrative Law Judges. In other respects, the taking of any deposition shall be in compliance with the provisions of section 1004 of the Act.

(b) *Exchange of information by parties.* At any time before hearing, after the assignment of a proceeding to a law judge has been made in accordance with § 821.35(a), at the instance of either party, the parties or their representatives may exchange information, such as witness lists, exhibit lists, curricula vitae and bibliographies of expert witnesses, and other data. In the event of a dispute, the law judge may issue an order directing compliance with any ruling he has made in respect to discovery. A party may also serve written interrogatories on the opposing party. A copy of any such interrogatories shall be served on the law judge assigned to the proceeding.

(c) *Use of the Federal Rules of Civil Procedure.* Those portions of the Federal Rules of Civil Procedure that pertain to depositions and discovery may be used as a general guide for discovery practice in proceedings before the Board where appropriate. The Federal Rules and the case law that construes them shall be considered by the Board and its law judges as instructive rather than controlling.

(9) By revising paragraph (b) to § 821.24 and by adding a new paragraph (e) to read as follows:

§ 821.24 Initiation of Proceedings.

* * * * *

(b) *Filing petition with the Board.* The petition for review shall be filed with the Board and the date of filing shall be determined in the same manner as prescribed by § 821.7(a) for other documents.

* * * * *

(e) *New Evidence.* In the event that a petitioner has undergone medical testing or medical evaluation, in addition to the testing and evaluation that has already been submitted to the Administrator, and wishes to introduce the results of that further medical testing or medical evaluation into the record, petitioner may do so provided that the new medical evidence is served upon the Administrator at least 30 days prior to the date of hearing.

* * * * *

(10) By revising both title § 821.31 and paragraph (c) to read as follows:

§ 821.31 Complaint procedure.

* * * * *

(c) *Answer to complaint.* The respondent shall file an answer to the complaint within 20 days of service of the complaint upon him by the Administrator. Failure to deny the truth of any allegation or allegations in the complaint may be deemed an admission of the truth of the allegation or allegations not answered. Respondent's answer shall also include any affirmative defense that respondent intends to raise at the hearing. A respondent may amend his answer to include any affirmative defense in accordance with the requirements of § 821.12(a). In the discretion of the law judge, any affirmative defense not so pleaded may be deemed waived.

(11) By revising § 821.37(a) to read as follows:

§ 821.37 Notice of hearing.

(a) *Notice.* The chief law judge or the law judge to whom the case is assigned shall set the date, time, and place for the hearing at a reasonable date, time and place, and shall give the parties adequate notice at least 30 days in advance thereof, and of the nature of the hearing. In the event that the parties stipulate to an earlier hearing date, and the law judge to whom the case is assigned agrees, to a date less than 30 days in advance of the date upon which notice of hearing is given, a hearing date less than 30 days after the date of notice may be set by the law judge. Due regard shall be given to the convenience of the parties with respect to the place of the hearing. The location of the majority of the witnesses and the suitability of a site served by a scheduled air carrier are factors to be considered in setting the place for the hearing. Due regard shall be given to any need for discovery in setting the hearing date.

* * * * *

(12) By revising § 821.48(a) to read as follows:

§ 821.48 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

* * * * *

(13) By revising § 821.57 (a) and (b) to read as follows:

§ 821.57 Procedure on appeal.

(a) *Time within which to file a notice of appeal and content.* Within 2 days after the initial decision has been orally rendered, either party to the proceeding may appeal therefrom by filing with the Board and serving upon the other parties a notice of appeal. The time limitations for the filing of documents are not extended by the unavailability of the hearing transcript.

(b) *Briefs and oral argument.* Within 5 days after the filing of the notice of appeal, the appellant shall file a brief with the Board and serve a copy upon the other parties. Within 10 days after service of the appeal brief, a reply brief may be filed with the Board in which case a copy shall be served upon the other parties. The briefs shall comply with the requirements of § 821.48 (b), (c), (d), (e), (f), and (g), covering contents, waiver of objections on appeal, reply brief, other briefs, number of copies, and oral argument. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief. When a request for oral argument is granted, the Board will give 3 days' notice of such oral argument.

* * * * *

(14) By adding a new Subpart K to read as follows:

Subpart K—Judicial Review of Board Orders

§ 821.64 Judicial review.

Judicial review of a final order of the Board may be sought as provided in section 1006 of the Act (49 U.S.C. 1486) and section 304(d) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(d)) by the filing of a petition for review within 60 days of the date of entry of the Board Order. The date of entry of the Board Order is the date on which the order is served.

Signed in Washington, D.C. on July 3, 1984.

Jim Burnett,

Chairman.

[FR Doc. 84-18283 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-58-M

Proposed Rules

Federal Register
Vol. 49, No. 134
Wednesday, July 11, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Parts 1, 2, 7, 8, 9, 10, 15, 18, 20, and 21

Updating of Publication Procedures

Correction

In FR Doc. 84-18021 beginning on page 27910 in the issue of Friday, July 6, 1984, make the following corrections:

1. On page 27910, in the second column, in the second paragraph, in the second line, insert the following after the word "single": "document may vary depending on the"

2. On the same page, in the third column, in the second complete paragraph, in the tenth line, "make" should read "making"

3. On page 27913, in the third column, in § 10.2(b)(3), in the second line, "of" should read "or"

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 308, 318, 320, 327, and 381

[Docket No. 81-013E]

Canning of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On April 12, 1984, the Food Safety and Inspection Service (FSIS) published a proposal to amend the Federal meat and poultry products inspection regulations by adding a number of provisions covering thermally (heat) processed meat and poultry products packed in hermetically sealed containers. The FSIS is extending the comment period to September 10, 1984 because several trade organizations have requested additional time.

DATE: Comments must be received on or before September 10, 1984.

ADDRESSES: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637 South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to Mr. Bill Dennis, (202) 447-3840.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Dennis, Director, Processed Products Inspection Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3840.

SUPPLEMENTARY INFORMATION: On April 12, 1984, the Food Safety and Inspection Service published a proposed rule in the Federal Register (49 FR 14636) to amend the Federal meat and poultry products inspection regulations by adding a number of provisions covering those thermally (heat) processed meat and poultry products packed in hermetically sealed containers that are currently regulated as "canned" products. The comment period was originally scheduled to end July 11, 1984, however, some interested parties had interpreted the proposal as covering the entire range of hermetically sealed "keep refrigerated" products. Because of that misunderstanding and because of the proposal's length and complexity, several trade organizations have requested additional time to study the proposal to develop meaningful comments and supporting data. The FSIS has determined that there is sufficient justification for extending the comment period until September 10, 1984.

Done at Washington, DC on: July 9, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-18461 Filed 7-10-84; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-NM-85-AD]

Airworthiness Directives; Boeing Model 747 Airplanes With Rolls Royce Engines Using Bendix Integrated Drive Generator 28B362-2-A/B

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a Notice of Proposed Rulemaking (NPRM) which proposed the adoption of an airworthiness directive (AD) that would have required inspection and modification of certain integrated drive generators used on Boeing Model 747 airplanes with Rolls Royce engines. This action was prompted by reports indicating that generators with a particular modification may have an increased likelihood of the rotor shaft fracturing. Upon further consideration and in light of comments received and additional findings, the FAA has determined that the proposed AD is not required, and accordingly, the NPRM is withdrawn.

EFFECTIVE DATE: July 19, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Vandermolen, Systems & Equipment Branch, ANM-130S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431-2943. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which, if adopted, would have required inspection and modification of certain integrated drive generators (IDG) used on Boeing Model 747 airplanes with Rolls Royce engines was published in the Federal Register on November 25, 1983 (48 FR 53127). Comments were requested from the public. One written comment was received addressing the NPRM. The commenter stated that

seven generator shaft failures were experienced, five in 1982 and two in 1983. The last failure, in July 1983, was not believed to be related to the problem addressed in the NPRM. The commenter has a fleet of twelve Model 747 aircraft and stated that the failure rate was not high and was declining thus indicating that attrition has already removed the weak rotor shafts.

Since May, 1983, two IDG shaft failures have been reported to the FAA. Neither of these was related to the problem discussed in the NPRM. As a result of the above comments and a reduced failure rate, the FAA has determined that the proposed AD is not justified.

Withdrawal of this Notice of Proposed Rulemaking constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Withdrawal

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, the proposed airworthiness directive published in the Federal Register on November 25, 1983 (48 FR 53127), is hereby withdrawn.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.85)

Note.—Since this action only withdraws a Notice of Proposed Rulemaking (NPRM), it may be made effective in less than 30 days. It is neither a proposed nor final rule, and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington on June 29, 1984.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 84-18303 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 150

Exemption From Speculative Position; Limits for Certain Spread Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission is proposing amendments to certain of the previously adopted federal speculative position limits. These Commission-set speculative limits are for domestic agricultural commodities. The proposed amendments will provide for a limited exemption from the federal speculative limits for positions spread between options on a futures contract and the underlying futures contract pursuant to Commission-approved exchange rules.

DATE: Comments must be received by August 10, 1984.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Attention: Secretariat. Reference should be made to: Exemption from Federal Speculative Position Limits.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-6990.

SUPPLEMENTARY INFORMATION:

I. Introduction

On January 23, 1984, the Commodity Futures Trading Commission ("Commission") adopted amendments to its previously approved regulations governing a three-year pilot program to permit the trading of commodity options on futures contracts in domestic agricultural commodities.[1] 49 FR 2752. The commodities included in the pilot program are those enumerated in section 2(a)(1)(A) of the Act, 7 U.S.C. 2 (1983).[2] In establishing this pilot program, the Commission determined to incorporate the regulation of options on futures contracts on domestic exchange-traded agricultural commodities into the existing regulatory structure.

Speculative position limits currently are required for all option and futures contract markets. Futures contracts for certain domestic agricultural commodities are subject to federal speculative position limits which were first adopted by the Commodity Exchange Authority, the Commission's predecessor agency. Federal speculative position limits apply to grain, cotton, rye, soybeans, eggs, potatoes, corn, and wheat.[3] Futures contracts for other domestic agricultural commodities, such as livestock and poultry, are subject to exchange-set speculative limits.

In addition, Commission Rule 1.61, 17 CFR 1.61, provides that exchanges must submit for Commission approval pursuant to section 5a(12) of the Act, 7 U.S.C. 7a(12) (1983), exchange rules establishing speculative position limits for those options and futures contract markets which did not otherwise have pre-existing exchange-set limits or which are not coverd by federal speculative position limits. In particular, Commission Rule 1.61(b) provides that each contract market which trades options must adopt and submit to the Commission for its approval a bylaw, rule, regulation or resolution that limits the maximum net long and net short option positions which any one person may hold or control. In addition, Rule 1.61 requires that contract markets describe an appropriate method of enforcement of option position limits, including procedures for determining the applicability of, and compliance with, rules concerning hedging or other exemptions from the speculative position limits.

As discussed above, for futures contracts on many of those commodities which are eligible to be the subject of an option under the pilot program for domestic agricultural commodities, federal speculative position limits have been established. *See*, Part 150 of the Commission's rules, 17 CFR Part 150. Because these limits were adopted during a period when options on these commodities were subject to the statutory bar of Section 4c of the Act, 7 U.S.C. 6c (1976), the federal speculative position limits did not comtemplate options on futures contracts in these commodities and therefore did not provide exemptions from the limits for positions spread between such options and futures.

The Commission, in its review of exchange-set speculative limits, has recognized that higher limits or other exemptive provisions for such spread positions generally are appropriate in light of the reduced net exposure from such positions. However, such exemptions or higher limits must be established with care. As the

[1] These amendments were adopted subsequent to the repeal of a statutory bar to such options trading found in section 4c of the Commodity Exchange Act, 7 U.S.C. 6c (1976). *See*, section 236 of the Futures Trading Act of 1982, Pub. L. 97-444, 96 Stat. 2294, 2301 (1983).

[2] They are wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grains sorghums, mill feeds, butter, eggs, Irish potatoes, wool, woll tops, fats and oil (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans, soybean meal, livestock, livestock products, and frozen concentrated orange juice.

[3] *See*, Part 150 of the Commission's rules, 17 CFR Part 150 (1983). Of these commodities, barley and flaxseed (grains), rye, and eggs are no longer actively traded.

Commission noted in its explanation of proposed Rule 1.61,

> Since each leg of a spread represents a 'one sided position' in each future in which it is placed, the Commission believes that an extraordinarily large spread position has the potential of distorting the price relationship of those two futures and their relationship with other futures. 45 FR 79831, 79834 n.8 (December 2, 1980).

This is particularly true in agricultural commodities where spreads may straddle different crop years for the commodity.

II. The Proposed Rules

The rules as proposed provide for an exemption from the existing federal speculative limits for spread or arbitrage positions between futures and options markets pursuant to an approved exchange rule. These exchange rules are to be adopted pursuant to Commission Rule 1.61 and reviewed by the Commission pursuant to Commission Rule 1.41, 17 CFR 1.61, 1.41 (1983).

It should be noted that the Commission contemplates that exempted spreads or arbitrage positions be limited under exchange rules to futures/options positions on the same board of trade in the same commodity, which are, as a totality, offsetting. Moreover, in proposing exemptive rules pursuant to these proposed rules, exchanges should enumerate a class of specific transactions which are to be included within a predetermined and preapproved spread or arbitrage exemption. These would include, for example, simple one-to-one futures/options spreads, conversions, and reverse conversions. These enumerated positions would be subject to an absolute predetermined limit specified in the exchange rule.

Those transactions not within the enumerated class, if permitted, and enumerated transactions which would exceed the predetermined and preapproved exemptive limit level should be reviewed and approved by the exchange on a case-by-case basis, before such transactions are effectuated. All position levels set by the exchange, whether a predetermined absolute level for all traders, or an individual level on a case-by-case basis, must take into account, where applicable, the size of each leg of a spread and its relationship to crop years as well as the relative financial exposure of the trader and the liquidity of the affected markets. Exchange rules which depart from these guidelines must be accompanied by a demonstration that they nonetheless achieve the same objectives.

III. Related Issue

The Regulatory Flexibility Act ("RFA") (5 U.S.C. 601 *et seq.*) requires that agencies when proposing rules consider the impact of those rules on small businesses. The Commission has previously determined that large traders are not "small entities" for purposes of the RFA. 47 FR 18618 (April 30, 1982). The requirements of the RFA therefore do not apply to traders who are trading at levels high enough to trigger the proposed exemptions. Accordingly, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 150

Commodity exchange rules, Speculative position limits, Spreading exemptions from speculative position limits, Commodity futures.

PART 150—LIMITS ON POSITIONS

In consideration of the foregoing and pursuant to the authority in sections 4a, 4c(b), 4c(c), and 8a of the Commodity Exchange Act, as amended, 7 U.S.C. 6a, 6c(b), 6c(c), and 12a (1983), the Commission proposes to amend Part 150 of Chapter 1 of Title 17 of the Code of Federal Regulations as follows:

1. Section 150.1 is proposed to be amended by redesignating paragraph (a)(1) as paragraph (a) and revising it as follows, by redesignating paragraph (a)(2) as paragraph (a)(1), and by adding new paragraph (a)(2) as follows:

§ 150.1 Limits on position in grain for futures delivery.

(a) Position limits. The limit on the maximum net long or net short position which any one person may hold or control under contracts for futures delivery for grains on or subject to the rules of any one contract market except as specifically authorized by paragraph (a)(1) of this section is 2,000,000 bushels in any one future or in all futures combined.

(1) * * *

(2) To the extent that the positions held or controlled by any person are spread or arbitrage positions between futures and option contracts traded on the same board of trade in any one commodity, the limit on net positions set forth in paragraph (a) of this section may be exceeded on such conditions as specified by the board of trade in rules adopted pursuant to §§ 1.61 and 1.41 of this chapter.

* * * * *

2. Section 150.2 is proposed to be amended by adding new paragraph (a)(1) as follows:

§ 150.2 Limits on positions in cotton for future delivery.

(a) * * *

(1) To the extent that the positions held or controlled by any person are spread or arbitrage positions between futures and options contracts traded on the same board of trade in any one commodity, the limit on net positions set forth in paragraph (a) of this section may be exceeded on such conditions as specified by the board of trade in rules adopted pursuant to §§ 1.61 and 1.41 of this chapter.

* * * * *

3. Section 150.4 is proposed to be amended by adding new paragraph (a)(1) as follows:

§ 150.4 Limits on positions in soybeans for future delivery.

(a) * * *

(1) To the extent that the positions held or controlled by any person are spread or arbitrage positions between futures and option contracts traded on the same board of trade in any one commodity, the limit on net positions set forth in paragraph (a) of this section may be exceeded on such conditions as specified by the board of trade pursuant to §§ 1.61 and 1.41 of this chapter.

* * * * *

4. Section 150.10 is proposed to be amended by adding paragraph (a)(2) as follows:

§ 150.10 Limits on positions in potatoes for future delivery.

(a) * * *

(2) To the extent that the positions held or controlled by any person are spread or arbitrage positions between futures and option contracts traded on the same board of trade in any one commodity, the limit on net positions set forth in paragraphs (a) and (a)(1) may be exceeded on such conditions as specified by the board of trade pursuant to §§ 1.61 and 1.41 of this chapter.

* * * * *

5. Section 150.11 is proposed to be amended by adding paragraph (a)(1) as follows:

§ 150.11 Limits on positions in cotton for future delivery.

(a) * * *

(1) To the extent that the positions held or controlled by any person are spread or arbitrage positions between futures and option contracts traded on the same board of trade in any one commodity, the limit on net positions set

forth in paragraph (a) of this section may be exceeded on such conditions as specified by the board of trade pursuant to §§ 1.61 and 1.41 of this chapter.

* * * * *

6: Section 150.12 is proposed to be amended by adding paragraph (a)(1) as follows:

§ 150.12 Limits on positions in wheat for future delivery.

(a) * * *

(1) To the extent that the positions held or controlled by any person are spread or arbitrage positions between futures and options contracts traded on the same board of trade in any one commodity, the limit on net positions set forth in paragraph (a) of this section may be exceeded on such conditions as specified by the board of trade pursuant to §§ 1.61 and 1.41 of this chapter.

* * * * *

Issued in Washington, D.C. on July 5, 1984.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-18270 Filed 7-10-84; 8:45 am]

BILLING CODE 6351-01-M

PEACE CORPS

22 CFR Part 305

Eligibility and Standards for Peace Corps Volunteer Service

AGENCY: Peace Corps.

ACTION: Proposed rule.

SUMMARY: The intention of this proposed regulation is to restate and update the requirements for eligibility for Peace Corps Volunteer service, and the factors considered in the assessment and selection of eligible applicants for training and service.

As these requirements were last published in 1969, some revision has become necessary to conform them to changes in Federal laws and regulations, particularly with respect to those prohibiting discrimination on the basis of handicap, and to internal policy changes within the Peace Corps.

As many of the changes noted herein have already been implemented by operation of law, the present revision will primarily serve as notice to the general public of the existence of the new rules.

DATES: To be assured of consideration, comments must be in writing and received on or before September 10, 1984.

ADDRESS: Comments should be sent to Alexander B. Cook, General Counsel and Legislative Liaison, Peace Corps, 806 Connecticut Avenue, NW., Room M-1207 Washington, D.C. 20526. Comments will be available for public inspection at 806 Connecticut Avenue, NW., Room M-1207, Washington, D.C. from 8:30 a.m. to 5:00 p.m., Monday through Friday except legal holidays.

FOR FURTHER INFORMATION CONTACT: Paul Magid, Associate General Counsel. Telephone: (202) 254-3114 (voice). TTY: Local—(202) 254-3290. Long Distance—(800) 424-8580, Extension 242 (Voice Extension to TTY) or dial above TTY local number with area code.

SUPPLEMENTARY INFORMATION: This proposed rule would revise and update rules concerning eligibility for Peace Corps Volunteer service which were last published in the Federal Register on March 28, 1969 and currently appear at 22 CFR Part 305. Changes have been made as follows:

(1) The prohibition against discrimination in the selection of Volunteers has been broadened to comply with the requirements of a number of anti-discrimination statutes, including Title V of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Though the Peace Corps has, as a matter of policy, complied with these requirements in the selection and assignment of Volunteers, the Peace Corps is now required by law to conform to these statutes by a 1979 amendment to section 417(c)(1) of the Domestic Volunteer Service Act (42 U.S.C. 5057(c)(1)).

(2) The provisions of the rule in § 305.2(c) which pertain to medical eligibility have been amended to reflect the requirements of the Rehabilitation Act of 1973, and the standards set forth in 29 CFR Part 1606. In doing so, it has been the Peace Corps' objective to apply standards of medical eligibility with maximum flexibility in order to permit handicapped applicants to serve whenever and wherever possible, consistent with their ability to perform the essential tasks of the assignment, the health and safety of the individual, their ability to complete a two year tour of duty overseas without undue interruption resulting from health problems, and the capability of the Peace Corps and the host country agency to which the person would be assigned to provide any special facilities which would be required to enable the individual to perform the essential tasks of the assignment. In making determinations under this standard, the Peace Corps must take into account adverse medical conditions prevalent overseas and their impact on certain types of medical conditions, the lack in many countries of adequate medical facilities, and the support staff and budget which the Peace Corps and host country agencies have available to meet the individual needs of Volunteers in the field. Potential impact on Peace Corps' need to maintain the reputation of providing reliable Volunteers who can complete their assignments without undue interruption, as well as financial considerations, will also be considered where medical conditions exist which may require the applicant to be medically evacuated to the United States, at intervals during the individual's service. Consistent with these constraints, Peace Corps will exercise its flexibility to place handicapped individuals in the most appropriate job and host country.

Because some of these factors may vary greatly from country to country, the Peace Corps annually updates the information it maintains on the prevalence of adverse medical conditions and the quality of available medical facilities in each country where Volunteers serve in order to maximize the opportunities for placement of individuals who have medical conditions which might prevent service in some countries or areas, but not others. In addition, overseas staff maintains close liaison with host country agencies to ensure maximum flexibility in the placement of handicapped Volunteers. Finally, the Peace Corps continually reviews new information on the treatment and effects of various illnesses and injuries to ensure that it is basing its decisions about medical suitability on the most up-to-date information available.

(3) Requirements that divorced or separated applicants provide complete documentation regarding their legal obligations to their present or former spouses have been added. Such documentation has proven necessary to ensure that the Peace Corps is aware of the current status of the applicant's legal responsibilities to avoid potential future disruption of overseas service and to ensure against the Agency's acquiring a reputation as a haven for those seeking to evade marital responsibilities.

(4) In 1970, section 5 of the Peace Corps Act was amended to permit the provision of benefits and allowances to the dependent children of Volunteers who accompany their parents overseas. Because of budgetary constraints, however, it has been Peace Corps policy to use this authority sparingly. The rules concerning eligibility of couples with dependent children in § 305.2(g) reflect this policy.

(5) Subsection 305.2(h) has been added to require individuals with

current military obligations to provide Peace Corps with statements from their commanding officer to ensure that their service is not interrupted by military duty requirements.

(6) Subsection 305.2(i) has been added to the regulation to ensure that applicants are aware that nondisclosure or misrepresentation of material information requested by the Peace Corps for selection purposes can be grounds for disqualification or separation. This policy was previously in force, but was not specifically set forth in the previous regulation.

(7) Standards for selection have been updated to reflect those now used by the Peace Corps to screen applicants, prior to and during any training for Peace Corps service.

Statement of Effects

The Peace Corps has determined that this document is not a major rule under Executive Order 12291, and certifies that this document will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

List of Subjects in 22 CFR Part 305

Aged, Citizenship and naturalization, Civil rights, Nondiscrimination, Equal employment opportunity, Foreign relations, Foreign aid, Handicapped, Political affiliation, Discrimination, Volunteers.

For reasons set forth in the preamble, Subchapter III of Title 22 of the Code of Federal Regulations is proposed to be amended as follows:

Part 305 is revised to read as follows:

PART 305—ELIGIBILITY AND STANDARDS FOR PEACE CORPS VOLUNTEER SERVICE

Sec.

305.1 Purpose and general guideline.
305.2 Eligibility.
305.3 Background investigations.
305.4 Selection standards.
305.5 Procedures.

Authority: Sec 4(b), 5(a) and 22, 75 Stat 612, 22 USC 2504; E.O. 12137 May 16, 1979, sec. 601 of the International Security and Development Cooperation Act of 1981; 95 Stat 1519 at 1540, sec. 417(c)(1) of the Domestic Volunteer Service Act (42 U.S.C. 5057(c)(1)).

§ 305.1 Purpose and general guideline.

This subpart states the requirements for eligibility for Peace Corps Volunteer service and the factors considered in the assessment and selection of eligible applicants for training and service. In selecting individuals for Peace Corps Volunteer service under this subpart, as required by section 5(a) of the Peace Corps Act, as amended, "no political test shall be required to be taken into consideration, nor shall there be any discrimination against any person on account of race, sex, creed, or color." Further, in accordance with section 417(c)(1) of the Domestic Volunteer Service Act, as amended (42 U.S.C. 5057(c)(1)) the nondiscrimination policies and authorities set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16), Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), are also applicable to the selection, placement, service and termination of Peace Corps Volunteers.

§ 305.2 Eligibility.

In addition to those skills, personal attributes and aptitudes required for available Volunteer assignments, the following are the basic requirements that an applicant must satisfy in order to receive an invitation to train for Peace Corps Volunteer service.

(a) *Citizenship.* The applicant must be a citizen of the United States or have made arrangements satisfactory to the Office of Marketing, Recruitment, Placement and Staging (MRPS) and the Office of General Counsel (D/GC) to be naturalized prior to taking the oath prescribed for enrollment as a Peace Corps Volunteer. (See section 5[a] of the Peace Corps Act, as amended).

(b) *Age.* The applicant must be at least 18 years old.

(c) *Medical status.* The applicant must, with reasonable accommodation, have the physical and mental capacity required of a Volunteer to perform the essential functions of the Peace Corps Volunteer assignment for which he or she is otherwise eligible, and be able to complete an agreed upon tour of service, ordinarily two years, without unreasonable disruption due to health problems. In determining what is a reasonable accommodation, the Peace Corps may take into account the adequacy of local medical facilities. In determining whether an accommodation would impose an undue hardship on the operation of the Peace Corps, factors to be considered include: (1) The overall size of the Peace Corps program with respect to the number of employees and/or Volunteers, size of budget, and size and composition of staff at post of assignment, (2) the nature and cost of the accommodation, and (3) the capacity of the host country agency to which the applicant would be assigned to provide any special accommodation necessary for the applicant to carry out the assignment.

(d) *Legal Status.* The applicant must not be on parole or probation to any court or have any court established or acknowledged financial or other legal obligation which, in the opinion of D/GC and MRPS, cannot be satisfied or postponed during the period of Peace Corps service.

(e) *Intelligence background.* In accordance with the longstanding Peace Corps policy, prior employment by any agency of the United States Government, civilian or military, or division of such an agency, whose exclusive or principle function is the performance of intelligence activities; or engaging in intelligence activities or related work may disqualify a person from eligibility for Peace Corps service. See section 611 of the Peace Corps Manual.

(f) *Marital status.* (1) Ordinarily, if an applicant is married or intends to marry prior to Peace Corps service, both husband and wife must apply and qualify for assignment at the same location. Exceptions to this rule will be considered by the Office of Volunteer Placement (MRPS/P) under the following conditions:

(2)(i) *Unaccompanied married applicant.* In order to qualify for consideration for Peace Corps service, a married applicant whose spouse does not wish to accompany him/her overseas must provide the Office of Placement (MRPS/P) with a notarized letter from the spouse acknowledging that he or she is aware of the applicant spouse's intention to serve as a Peace Corps Volunteer for two years or more and that any financial and legal obligations of the applicant to his or her spouse can be met during the period of Peace Corps service. In determining eligibility in such cases, MRPS/P will also consider whether the service of one spouse without the accompaniment of the other can reasonably be anticipated to disrupt the applicant spouse's service overseas.

(ii) In addition to satisfying the above requirements, a married applicant who is legally, or in fact, separated from his or her spouse, must provide MRPS/P with copies of any agreements or other documentation setting forth any legal and financial responsibilities which the parties to one another during any period of separation.

(3) *Divorced Applicants.* Applicants who have been divorced must provide MRPS/P with copies of all legal documents related to the divorce.

(g) *Dependents.* Peace Corps has authority to provide benefits and allowances for the dependent children of Peace Corps Volunteers who are under the age of 18. However, applicants with dependent children under the age

of 18 will not be considered eligible for Peace Corps service unless MRPS/P determines that the skills of the applicants are essential to meet the requirements of a Volunteer project, and that qualified applicants without minor dependents are not available to fill the assignment.

(1) *Procedures for Placing Volunteers with Children.* The placement of any couple with dependent children must have the concurrence of the appropriate Country and Regional Director.

(2) If the applicant has any dependents who will not accompany him or her overseas, the applicant must satisfy MRPS/P and the General Counsel that adequate arrangements have been made for the care and support of the dependent during any period of training and Peace Corps service; that such service will not adversely affect the relationship between the applicant and dependent in such a way as to disrupt his or her service; and that he or she is not using Peace Corps service to escape responsibility for the welfare of any dependents under the age of 18.

(3) Married couples with more than two children or with children who are below two years of age are not eligible for Peace Corps service except in extraordinary circumstances as approved by the Director of the Peace Corps or designee.

(h) *Military Service.* Applicants with military or national guard obligation must provide MRPS/P with a written statement from their commanding officer that their presence will not be required by their military unit for the duration of their Peace Corps service, except in case of national emergency.

(i) *Failure to Disclose Requested Information.* Failure to disclose, and/or the misrepresentation of material information requested by the Peace Corps regarding any of the above described standards of eligibility may be grounds for disqualification or separation from Peace Corps Volunteer service. (See section 284 of the Peace Corps Manual).

§ 305.3 Background investigations.

Section 22 of the Peace Corps Act states that to ensure enrollment of a Volunteer is consistent with the national interest, no applicant is eligible for Peace Corps Volunteer service without a background investigation. The Peace Corps requires that all applicants accepted for training have as a minimum a National Agency Check. Information revealed by the investigation may be grounds for disqualification from Peace Corps service.

§ 305.4 Selection standards.

To qualify for selection for overseas service as a Peace Corps Volunteer, applicants must demonstrate that they possess the following personal attributes:

(a) *Motivation.* A sincere desire to carry out the goals of Peace Corps service, and a commitment to serve a full term as a Volunteer.

(b) *Productive competence.* The intelligence and educational background to meet the needs of the individual's assignment.

(c) *Emotional maturity/adaptability.* The maturity, flexibility, and self sufficiency to adapt successfully to life in another culture, and to interact and communicate with other people regardless of cultural, social, and economic differences.

(d) *Skills.* By the end of training, in addition to the attributes mentioned above, a Trainee must demonstrate competence in the following areas:

(1) *Language.* The ability to communicate in the language of the country of service with the fluency required to meet the needs of the overseas assignment.

(2) *Technical competence.* Proficiency in the technical skills needs to carry out the assignment.

(3) *Knowledge.* Adequate knowledge of the culture and history of the country of assignment to ensure a successful adjustment to, and acceptance by, the host country society. The Trainee must also have an awareness of the history and government of the United States which qualifies the individual to represent the United States abroad.

(e) *Failure to meet standards.* Failure to meet any of the selection standards by the completion of training may be grounds, for deselection and disqualification from Peace Corps service.

§ 305.5 Procedures.

Procedures for filing, investigating, and determining allegations of discrimination on the basis of race, color, national origin, religion, age, sex, handicap or political affiliation in the application of any provision of this part are contained in MS 293 (45 CFR Part 1225).

Signed at Washington, D.C. on July 5, 1984.

Loret Miller Ruppe,

Director, Peace Corps.

[FR Doc. 84-18282 Filed 7-10-84; 8:45 am]

BILLING CODE 6051-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 532]

Establishment of Viticultural Area; Central Coast, CA

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in California to be known as "Central Coast." This proposal is the result of a petition submitted by Taylor California Cellars, a winery located in Gonzales, California. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumer better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

DATE: Written comments must be received by September 10, 1984.

ADDRESSES: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attn: Notice No. 532).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW. Washington, DC.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

General Description

The proposed Central Coast viticultural area consists of approximately 1 million acres with approximately 51,209 acres of grapevines. There are 97 grape growers and 55 wineries in the proposed area.

The following approved viticultural areas as wholly or partially within the proposed Central Coast viticultural area:

Sections 9.24 Chalone, 9.27 Lime Kiln Valley, 9.28 Santa Maria Valley, 9.35 Edna Valley, 9.38 Cienega Valley, 9.39 Paicines, 9.54 Santa Ynez Valley, 9.58 Carmel Valley, 9.59 Arroyo Seco, 9.80 York Mountain, 9.84 Paso Robles, 9.88 Pacheco Pass, 9.98 Monterey.

Name

California alcoholic beverage laws regulate the use of the words "California Central Coast Counties" on labels of dry wine. Under section 25236 of the California Alcoholic Beverage Laws, the term "California central coast counties dry wine" may appear on labels of:

* * dry wine produced entirely from grapes grown within the Counties of Sonoma, Napa, Mendocino, Lake, Santa Clara, Santa Cruz, Alameda, San Benito, Solano, San Luis Obispo, Contra Costa, Monterey, and Marin.

However, effective January 1, 1983, "Central Coast Counties" is not an authorized appellation of origin under 27 CFR 4.25a (a)(1)(v) or (c). The names of two or no more than three counties in the same state would be the only authorized multi-county appellation of origin in conjunction with the word "counties."

The name "Central Coast" has been identified as a grape growing/wine producing region in several books, magazines, and other publications which cater to the wine industry and wine consumers. However, none of these references have included distinct boundary descriptions, due in part to the nature of the subject (i.e., finite boundaries were not important prior to publication of T.D. ATF-53). In general, the name "Central Coast" applies to the coastline between the cities of Santa Cruz and Santa Barbara.

Prior to January 1, 1983, the petitioner and Hoffman Mountain Ranch Vineyards used the name "Central Coast Counties" as an appellation of origin on wine labels.

Geographical Features Which Affect Viticultural Features

The proposed Central Coast viticultural area is bounded on the west by the Pacific Ocean and on the east by the California Coastal Ranges. The Coastal Ranges form a barrier to the marine influence on climate, causing precipitation, heat summation, maximum high temperatures, minimum low temperatures, length of the frost-free season, wind, marine fog incursion, and relative humidity to be significantly different on opposite sides of these mountains. The area inland of the Coastal Ranges is typically arid or semi-arid. This difference in climate causes harvested grapes to be significantly different from grapes grown farther inland.

ATF believes that a viticultural area named with the word "coast" should be an area which is under the marine influence. This idea is based on a principle in *General Viticulture* by A.J. Winkler, *et al.* (page 68), that grapes grown in a coastal region are different from grapes in an interior valley even if both areas have the same heat summation. Therefore, the eastern boundary of the Central Coast viticultural area is proposed to be drawn at the approximate inland boundary of the marine influence on climate.

The proposed Central Coast area is similar to the approved North Coast area because of the marine influence on climate. In establishing the North Coast viticultural area, ATF also included microclimates which are slightly different from other areas within the large approved area. However, the entire North Coast viticultural area is under the marine climate influence and, therefore, significantly different from areas which are farther inland. Similarly, the proposed Central Coast area contains varying microclimates, but the entire area is significantly different from areas which are farther inland.

Within the proposed Central Coast area, two approved viticultural areas, Chalone and Paso Robles, were established because they are under less marine influence than their surrounding areas. The Chalone area is at a high altitude on a precipice above the Salinas River Valley. This area possesses a slightly different microclimate than the surrounding terrain several hundred feet below it. However, it is still under the marine climate influence, especially in comparison to areas which are farther inland.

The Paso Robles area is shielded from marine influence from the south and west. However, the marine influence traveling south from Monterey Bay, through the Salinas River Valley, reaches the Paso Robles area to a limited degree. This fact is readily apparent from the orientation of the airport runway at Shandon, California, parallel to winds in the Salinas River Valley. Although, the marine influence does not reach Paso Robles through the shortest route, this area is still under marine influence and possesses microclimates characteristic of coastal valleys, especially in comparison to areas which are farther inland.

In establishing a large viticultural area based on geographical features which affect viticultural features, ATF recognizes that the distinctions between a small area and its surroundings, are more refined than the differences between a large area and its surroundings. It is possible for a large area viticultural to contain approved viticultural areas, if each area fulfills the requirements for establishment of a viticultural area. Thus, the proposed Central Coast area, under the marine climate influence, contains approved areas which are also under the marine climate influence, but to a lesser degree.

Boundary

In the south, the proposed eastern boundary follows, approximately, the boundary of the Los Padres National Forest. This boundary is located near the Coastal Ranges, which are intermittent. It also separates the national forest, where grape-growing is

not permitted, from land which is not regulated with respect to viticulture.

In the vicinity of the Paso Robles viticultural area, the proposed eastern boundary follows the approved Paso Robles boundary. North of Paso Robles, the proposed eastern boundary follows county lines, which generally run along the ridge of the Coastal Range. However, the area east of the Diablo Range (part of the Coastal Range) in San Benito County is excluded because it is not significantly under the marine influence discussed above.

The petitioner has established the north and south boundaries utilizing the Amerine-Winkler method of measuring cumulative heat summation. The petitioner claims that the proposed area consists of approximately 33% Region I, 45% Region II, and 22% Region III. In contrast, the petitioner claims that the areas immediately north of the proposed area are predominantly Region I, and the areas immediately south of the proposed area are predominantly Region IV

The boundary of the proposed viticultural area is described in the proposed § 9.75.

Miscellaneous

ATF does not wish to give the impression by proposing Central Coast as a viticultural area that it is endorsing the quality of the wine from this area. ATF is proposing this area as being distinct and not better than other areas. By proposing this area, Central Coast wine producers would be allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Central Coast wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

ATF is not able to assign a realistic economic value to using "Central Coast" as an appellation of origin. An appellation of origin is primarily an advertising intangible. Moreover, changes in the values of grapes or wines may be caused by a myriad of factors unrelated to this proposal.

Any value derived from using the "Central Coast" appellation of origin would apply equally to all grape growers in the proposed area.

Therefore, ATF believes that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Central Coast viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 Subpart C is amended by adding the title of § 9.75 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.75 Central Coast.

Par. 2. Subpart C is amended by adding § 9.75 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.75 Central Coast.

(a) *Name.* The name of the viticultural area described in this section is "Central Coast."

(b) *Approved maps.* The approved maps for determining the boundary of the Central Coast viticultural area are four U.S.G.S. topographic maps in the scale of 1:250,000, as follows:

(1) Monterey, California (formerly, the Santa Cruz map), NJ 10-12, dated 1974;

(2) San Luis Obispo, California, NI 10-3, dated 1956, revised 1969 and 1979;

(3) Santa Maria, California, NI 10-6, 9, dated 1956, revised 1969; and

(4) Los Angeles, California, NI 11-4, dated 1974.

(c) *Boundary.* The Central Coast viticultural area is located in the following California counties: Monterey, San Benito, Santa Clara, San Luis Obispo, and Santa Barbara. This boundary description includes (in parentheses) the name of the map sheet on which the described point is found.

(1) The beginning point is the point at which the Santa Cruz-Monterey County line meets the Pacific Ocean. (Monterey map)

(2) The boundary follows the Santa Cruz-Monterey County line easterly to the Santa Cruz-San Benito County line. (Monterey map)

(3) The boundary follows the Santa Cruz-San Benito County line easterly to the San Benito-Santa Clara County line. (Monterey map)

(4) The boundary follows the San Benito-Santa Clara County line easterly to the point at which California Highway 156 crosses it. (Monterey map)

(5) The boundary follows California Highway 156 northerly to California Highway 152. (Monterey map)

(6) The boundary follows California Highway 152 northerly to the 37° North latitude parallel. (Monterey map)

(7) The boundary follows the 37° North latitude parallel east to the range line dividing Range 5 East from Range 6 East. (Monterey map)

(8) The boundary follows this range line south to the San Benito-Santa Clara County line. (Monterey map)

(9) The boundary follows the San Benito-Santa Clara County line easterly to the San Benito-Merced County line. (Monterey map)

(10) The boundary follows the San Benito-Merced County line southeasterly to the conjunction of the county lines of San Benito, Merced, and Fresno Counties. (Monterey map)

(11) From this point, the boundary proceeds in a southwesterly extension of the Merced-Fresno County line to Salt Creek. (Monterey map)

(12) From this point, the boundary proceeds in a straight line southeasterly to the conjunction of the county lines of Monterey, San Benito, and Fresno Counties. (Monterey map)

(13) The boundary follows the Monterey-Fresno County line southeasterly to the Monterey-Kings County line. (Monterey and San Luis Obispo maps)

(14) The boundary follows the Monterey-Kings County line southeasterly to the San Luis Obispo-Kings County line. (San Luis Obispo map)

(15) The boundary follows the San Luis Obispo-Kings County line east to the San Luis Obispo-Kern County line. (San Luis Obispo map)

(16) The boundary follows the San Luis Obispo-Kern County line south, then east, then south to the point at which the county line diverges easterly from the range line dividing Range 17 East from Range 18 East. (San Luis Obispo map)

(17) The boundary follows this range line south to the township line dividing Township 28 South from Township 29 South. (San Luis Obispo map)

(18) The boundary follows this township line west to the range line dividing Range 13 East from Range 14 East. (San Luis Obispo map)

(19) The boundary follows this range line south to the boundary of the Los Padres National Forest. (San Luis Obispo map)

(20) The boundary follows the boundary of the Los Padres National Forest southeasterly to the creek of Toro Canyon. (San Luis Obispo, Santa Maria, and Los Angeles maps)

(21) The boundary follows the creek of Toro Canyon southerly to the Pacific Ocean. (Los Angeles map)

(22) The boundary follows the shoreline of the Pacific Ocean northerly to the beginning point. (Los Angeles, Santa Maria, San Luis Obispo, and Monterey maps)

Approved: July 2, 1984.

W.T. Drake,

Acting Director.

[FR Doc. 84-18213 Filed 7-10-84; 8:45 am]

BILLING CODE 4810-31-M

---

27 CFR Part 9

[Notice No. 533]

Establishment of Viticultural Area; Mesilla Valley, NM and TX

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area located between Dona Ana County in southern New Mexico and the west Texas border at El Paso County, Texas, to be known as the "Mesilla Valley." The southern boundary of the proposed viticultural area reaches the U.S./Mexico border. This proposal is the result of a petition submitted by Mr. George Newman, President of the Las Cruces Chapter of the New Mexico Wine and Vine Society. New Mexico State University, College of Agriculture and Home Economics located at Las Cruces, New Mexico, also participated in gathering petition evidence for this proposed viticultural area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable industry to label wines more precisely and will help consumers to better identify the wines they may purchase.

DATES: Written comments must be received by August 27 1984.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 533).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407 Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR, Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2), outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area,

based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition proposing a viticultural area that extends from Dona Ana County in southern New Mexico to El Paso County in the far western tip of Texas. The proposed viticultural area follows the Mesilla Valley along the Rio Grande River from an area just north of Las Cruces, New Mexico, to El Paso, Texas. It consists of 445 square miles of land (284,800 acres) running along the Rio Grande River on which there are 3 commercial bonded wineries and 21 private grape-growers. Presently there are approximately 40 acres of grapes devoted to viticulture in the proposed Mesilla Valley viticultural area. Local forecasters estimate that during the next two years grape acreage in the Mesilla Valley is expected to increase substantially.

The petitioner claims that the proposed viticultural area is distinguished from the surrounding areas based on the following petition evidence:

(1) *Historical and current evidence regarding the name and boundaries.* (a) The Mesilla Valley derived its name from the Spanish explorer Don Juan de Ornate, who, in 1598, found an Indian village on the present day site of Mesilla, New Mexico (located within the boundaries of the proposed viticultural area). He named the village "Trenquel de la Mesilla." Mesilla means "little table" and that description refers to the plateau on which the town is situated. The entire valley area is now known as the "Mesilla Valley."

(b) According to Garcia Fabian, author of "European Grapes," published in the *The New Mexico Agricultural Station Bulletin, No. 58,* grapes have been planted in the Mesilla Valley for over 100 years. The first vineyards were probably planted shortly after 1841 in Dona Ana, the oldest settlement in the valley. The first grapes grown were of the Mission variety from Mexico.

(c) The area known as Mesilla Valley was depicted on a nineteenth century map, based on the explorations of 1849–1852, by Captain R.B. Marcy of the 5th U.S. Infantry, under orders from the U.S. War Department. A photocopy of that map was submitted by the petitioner as evidence. The area of the Mesilla Valley is also depicted on United States Geological Survey maps.

(d) According to an article that appeared in "New Mexico Magazine" (March 1982) entitled *Mesilla Valley Vintner* by Michael Henzl, the fertile Mesilla Valley was once dotted with wineries, typically small and family run.

(e) According to topographical maps submitted by the petitioner, elevations within the proposed viticultural area range from approximately 3,700 feet to 4,200 feet above sea level. Elevations in the mountains outside of the proposed viticultural area reach up to 8,700 feet above sea level. To the east of the proposed Mesilla Valley viticultural area is the Fort Bliss Military Reservation. Also to the east are the Organ, Dona Ana and Franklin Mountains. To the west lie the Portillo, Robledo and Sierra de Las Uvas Mountains and the Aden and Sleeping Lady Hills. The petitioner pointed out that much of the eastern and western boundaries are found along the 4,150 and 4,200 foot elevation contour lines. The petitioner claims these contour lines appropriately mark the transition from valley-foothills to dry land mesas where water availability is poor and soil types differ notably. To the north lies the town of Tonuco where the river valley narows. To the south lies the New Mexico, U.S.A.-Mexico (Chihuahua) international border. The area to the south in Mexico consists of mountains and arid plains.

(f) While most of the irrigated land in the proposed viticultural area is found at less than 4,000 feet above sea level in elevation, some areas within it reach 4,200 feet above sea level. The petitioner stated that the higher mesa areas and mountainous elevations of the Mesilla Valley above 4,200 feet have been excluded from being within the boundaries of the proposed viticultural area since very few grapes are grown in these locations.

Professor William D. Gorman of New Mexico State University, College of Agriculture and Home Economics at Las Cruces, stated that the irrigation water available from the Rio Grande River watershed surrounds most of the prime farmland that makes up the proposed viticultural area. He explained, that at the higher elevations water must be pumped from wells to irrigate the land. According to Professor Gorman, this can be both an unreliable and expensive method of irrigation.

(g) The petitioner claims that the irrigated areas of the proposed Mesilla Valley viticultural area have favorable wine grape-growing conditions which would allow the wine industry to continue to expand. A feasibility analysis on the potential profitability of wine grapes in the Mesilla Valley conducted at New Mexico State University concludes, "Given the potential publicity attached to a locally produced wine, lower transportation costs, the possibility of wholesaling and retailing wines by the wineries themselves, and instate advantages, the marketing of wine within the state appears to be feasible. The approval of an appellation of origin would encourage continued expansion of the wine industry in the Mesilla Valley."

According to an article that appeared in the "El Paso Times" in 1975, titled *Grapes Return to the Mesilla Valley,* written by Dona Ana County Agent Don Chappell, the grape growing revival in the Mesilla Valley was first observed in the 1960's and has progressed much in recent years. He said that over 50 different grape varieties have been grown in the valley.

According to research conducted by New Mexico State University, College of Agriculture and Home Economics, some of the more important grape varieties grown within the boundaries of the proposed viticultural area include Colombard, Riesling, Cabernet Sauvignon, Ruby Cabernet, Zinfandel, Chenin Blanc and Barbera.

(h) The boundaries of the proposed Mesilla Valley viticultural area can be found on 15 U.S.G.S. 7.5 minute series quadrangle maps (Anthony, N. Mex.-Tex., Bishop Cap, N. Mex., Black Mesa, N. Mex., Canutillo, Tex.-N. Mex., Dona Ana, N. Mex., La Mesa, N. Mex., La Union, N. Mex.-Tex., Las Cruces, N. Mex., Leasburg, N. Mex., Little Black Mountain, N. Mex., Picaho Mountain, N. Mex., San Miguel, N. Mex., Smeltertown, Tex.-N. Mex., Strauss, N. Mex.-Tex. and Tortugas Mountain, N. Mex.). The boundaries as proposed by the petitioner are described in § 9.100(c).

(2) *Evidence of the geographical characteristics which distinguish the proposed Mesilla Valley viticultural area from surrounding areas*—(a) *Soils.* The petitioner submitted evidence indicating the soil associations within the proposed viticultural area are predominantly derived from the Glendale-Harkey series with some presence of Bluepoint and Caliza-Bluepoint-Yturbide series associations. This information was based on the United States Department of Agriculture's Soil Conservation Service's General Soil Maps of Dona Ana County, New Mexico, and El Paso County, Texas, submitted by the petitioner. Soils from the Glendale-Harkey series are stratified, deep, well drained, nearly level soils that are formed in alluvium. Typically, the surface layer is loam or clay loam and

the layers below are clay loam and very fine sandy loam. These soils are formed on flood plains and stream terraces.

Evidence submitted by the petitioner indicate that soils to the east and west of the proposed viticulural area tend to be more steeply sloped and contain more sand and stone. At the higher mountainous elevations located outside of the proposed viticultural area the soil is formed in residium from sandstone. It contains rock out-croppings and is generally shallower. It tends to be hilly to extremely steep and contains igneous rock land and limestone rock land associations.

(b) *Climate.* The petitioner claims that the Mesilla Valley has an arid continental climate with over 4,000 degree-days annually. The mean annual temperature is 60.8° F., although daily temperatures fluctuate about 33° F Winter minimum temperatures of 32° F are common, but winter temperatures below 2° F occur only one year in ten during January. The growing season in the proposed viticultural area is approximately 200 days long and occurs from approximately April 12 to October 27 On the average, the temperature will fall 3° F for every increase of 1,000 feet in elevation above the floor of the valley. This makes the higher elevations in the valley somewhat cooler.

According to Kenneth Kunkel, the State Climatologist for the State of New Mexico, the temperatures in the higher elevations of the Mesilla Valley (above 4,200 feet) have not been regularly recorded. He said that some generalizations about temperature patterns in these areas can be made based on the general temperature patterns associated with mountain-valley topography. Mr. Kunkel's statements about climate differences are as follows.

In general, the Mesilla Valley will tend to have minimum temperatures as much as 5–10° cooler than the sorrounding mesa regions. Weather data recorded at New Mexico State University's National Weather Service Station at Las Cruces in the Mesilla Valley was compared with weather data gathered from the Hatch, Deming and Joranada Experimental Range (National Weather Service) Stations and from the White Sands Missile Range (U.S. Government military installation), all of which are located outside of the proposed viticultural area. Mr. Kunkel stated that temperature differences between the Mesilla Valley and the surrounding areas were evident.

He said that to the north of the proposed viticultural area at the Hatch Station, temperature fluctuations between daily maximums and minimums were wider. There were fewer heating degree-days (4,317) in Hatch versus 4,553 degree-days at Las Cruces (New Mexico State University's National Weather Service Station) which is located in the proposed viticultural area.

To the west of the Mesilla Valley, at the Deming Station, the elevation was about 4,330 feet above sea level. At this location there were slightly fewer degree-days (4,541 days) and the growing season was, on the average, one week shorter.

To the northeast, at the Joranada Experimental Range Station, daily minimum temperatures were lower than at State University (Las Cruces). At Joranada there was an average of 138 days per year when the temperature fell below 32° F and only 1 day in 10 years when the temperature fell below 0° F

He further states that to the east of the Mesilla Valley, at the headquarters of the White Sands Missile Range, which is located on the mesa above the valley floor, minimum temperatures averaged 5–10° F warmer throughout the year. Mr. Kunkel concludes by stating that this climatic data results in a longer growing season and more degree days within the proposed viticultural area than is found in the surrounding areas.

The petitioner claims that fall, winter, and spring are the dry seasons of the vear in the Mesilla Valley. During these seasons, moisture in the air coming from the Pacific Ocean is removed as it passes over the mountains west of New Mexico.

During the summer months, moisture-laden air coming from the Gulf of Mexico enters southern New Mexico. Strong surface heating and the upslope flow of air causes brief and somewhat heavy afternoon and evening thunder showers. The Organ Mountains to the east of the Mesilla Valley protect the valley from the heavier showers. Precipitation in the valley usually amounts to only about eight inches annually. At higher elevations in the valley, rainfall may be heavier. The relative humidity in the valley is generally low.

According to the petitioner the winter is generally mild and sunny in the Mesilla Valley. The average snowfall in the proposed viticultural area is less than three inches annually and seldom lasts more than two consecutive days. Outside of the proposed viticultural area, at the higher elevations, snowfall is more common and is more apt to remain on the ground for longer periods of time.

(c) *Distinct Valley Area of the Rio Grande River Watershed.* The petitioner states that the proposed Mesilla Valley viticultural area consists of approximately 445 square miles of valley land that runs along the Rio Grande River.

Since irrigation water in the Mesilla Valley comes from the Rio Grande River watershed, most of the prime farmland is along the river. The petitioner points out that although the proposed viticultural area has little annual rainfall, the Rio Grande River watershed and its dams, drains, canals, laterals, wells, irrigation ditches, and pipelines for drip irrigation serve to irrigate the surrounding fertile land areas of the Mesilla Valley. The irrigation of grape vines can be achieved by hosing or draping them over the irrigation ditches. At the higher elevations within the viticultural area, water must be pumped from wells through pipelines to irrigate the land.

According to the petitioner, nineteenth century historical maps and current U.S.G.S. maps depict the unique geographical valley area known as "Mesilla Valley." The southern border of the valley runs along the New Mexico, U.S.A.-Mexico border. The western border of the valley is marked by the Portillo, Robledo and Sierra de Las Uvas Mountains, the Aden Hills and the Sleeping Lady Hills. The northern border of the valley ends at Tonuco where the river valley narrows. To the east, the valley is flanked by the higher elevations of the Dona Ana, Organ and Franklin Mountains.

A number of newspaper and magazine articles have been written in recent years about the developments in grape growing in the Mesilla Valley.

(b) *Drip Irrigation method.* The petitioner states that the drip irrigation method of watering the grape vines is rapidly becoming more widely used in the Mesilla Valley. Drip irrigation is the frequent, slow application of water to soil through mechanical devices called emitters that are located at selected points along water-delivery lines. Drip irrigation is done by a system consisting of emitters, lateral lines, main lines and a "head" or control system. Drip irrigation can reduce operating costs, and this has been the main reason for adopting this new method in the Mesilla Valley. Drip systems can irrigate crops with significantly less water than is required by other more common irrigation methods. The petitioner stated that due to the fact that annual rainfall is minimal in the Mesilla Valley this drip irrigation method will be used more often in future years in this grape-growing area.

Regulatory Flexibility Act

The provisions of the Regulatory flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this notice of proposed rulemaking because the proposal is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact nor compliance burdens on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. This document proposes possible boundaries for the Mesilla Valley viticultural area. However, comments concerning other possible boundaries for this viticultural area will be given consideration. ATF is particularly interested in receiving comments on the inclusion of the land areas in Texas within the boundaries of the proposed viticultural area since they are mostly urban areas and show no evidence of grape growing.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be include in the comments. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her requests, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Edward A. Reisman, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection, Wire.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragaph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.100 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * *

9.100 Mesilla Valley

Par. 2. Subpart C, is amended by adding § 9.100 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.100 Mesilla Valley.

(a) *Name.* The name of the viticultural area described in this section is "Mesilla Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of Mesilla Valley viticultural area are 15 U.S.G.S. quadrangle 7.5 minute series maps. They are entitled:

(1) "Anthony, N. Mex.-Tex.," 7.5 minute series, edition of 1955;

(2) "Bishop Cap. N. Mex.," 7.5 minute series, edition of 1955;

(3) "Black Mesa, N. Mex.," 7.5 minute series, edition of 1978;

(4) "Canutillo, Tex.-N. Mex" 7.5 minute series, edition of 1955 (photorevised 1967);

(5) "Dona Ana, N. Mex.," 7.5 minute series, edition of 1978;

(6) "La Mesa, N. Mex.," 7.5 minute series, edition of 1955;

(7) "La Union, N. Mex.-Tex.," 7.5 minute series, edition of 1955;

(8) "Las Cruces, N. Mex.," 7.5 minute series, edition of 1978;

(9) "Leasburg, N. Mex.," 7.5 minute series, edition of 1978;

(10) "Little Black Mountain, N. Mex.," 7.5 minute series, edition of 1978;

(11) "Picacho Mountain, N. Mex.," 7.5 minute series, edition of 1978;

(12) "San Miguel, N. Mex.," 7.5 minute series, edition of 1955;

(13) "Smeltertown, Tex.-N. Mex.," 7.5 minute series, edition of 1955 (photorevised 1967 and 1973);

(14) "Strauss, N. Mex.-Tex.," 7.5 minute series, edition of 1955; and

(15) "Tortugas Mountain, N. Mex.," 7.5 minute series, edition of 1955.

(c) *Boundaries.* The Mesilla Valley viticultural area is located within Dona Ana County, New Mexico, and El Paso County, Texas. The boundaries are as follows: The beginning point is at the Faulkner Canyon on the "Leasburg, N. Mex." U.S.G.S. map at the northwest corner of Section 15, Township 21 South (T21S), Range 1 West (R1W).

(1) From the beginning point, the boundary runs east 3.7 miles along the north section line until it converges with the 4,200 foot elevation contour line at Section 18, T21S/R1E;

(2) Then it runs southeasterly 31 miles along the 4,200 foot elevation contour line to a point approximately 3.5. miles south of Bishop Cap where it intersects the Fort Bliss Military Reservation boundary at the northeast portion of Section 13, T25S/R3E on the "Bishop Cap, N. Mex." U.S.G.S. map;

(3) Then it follows the Fort Bliss Military Reservation boundary south for approximately 3.7 miles and east approximately .8 mile to the intersection with the 4,200 foot elevation contour line at the southeast portion of Section 6, T26S/R4E on the "Anthony, N. Mex.-Tex." U.S.G.S. map;

(4) Then it runs south along the 4,200 foot elevation contour line for approximately 20 miles until it intersects the La Mesa Road (Mesa Avenue) in the city limits of El Paso, Texas, on the

"Smeltertown, Tex.-N. Mex." U.S.G.S. map;

(5) Then it heads south on the La Mesa Road (Mesa Avenue) for 1.2 miles until it meets Executive Center Boulevard that goes to La Guna/ Smeltertown;

(6) Then it travels in a southwesterly direction for 1.1 miles on Executive Center Boulevard to La Guna/ Smeltertown until it crosses the Southern Pacific Railroad tracks at Smeltertown, Texas;

(7) Then it proceeds back into New Mexico north-westerly along the Southern Pacific Railroad tracks approximately 12.5 miles to a point near the switch yards at Strauss, New Mexico, where it intersects the 4,100 foot elevation contour line at the center of Section 24, T28S/R2E on the "Strauss, N. Mex. Tex." U.S.G.S. map;

(8) Then it follows the 4,100 foot elevation contour line in a northwesterly direction for 17 miles until it intersects with the south section line of Section 29, T25S/R2E on the "Little Black Mountain, N. Mex.," U.S.G.S. map;

(9) Then it runs westerly approximately .5 mile along the south section line until it meets the 4,150 foot elevation contour line at Section 29, T25S/R2E;

(10) Then it follows the 4,150 foot elevation contour line northward for 15 miles until it meets with Interstate Highway 70/80/180 at the southeast corner of Section 19, T23S/R1E on the "Las Cruces, N. Mex.," U.S.G.S. map;

(11) Then it runs southwest along Interstate Highway 70/80/180 for approximately .9 mile until it reaches the 4,200 foot elevation contour line at the northwest corner of Section 30, T23S/R1E on the "Picacho Mt., N. Mex.," U.S.G.S. map;

(12) Then it meanders in a northerly direction on the 4,200 foot elevation contour line for 15 miles until it reaches the section line at the southwest corner of Section 15, T21S/R1W on the "Leasburg, N. Mex.," U.S.G.S. map;

(13) Then finally it goes north along the section line to Faulkner Canyon until it meets with the northwest corner of Section 15, T21S/R1W, which is the beginning point.

Approved: July 3, 1984.

W. T. Drake,
Acting Director.

[FR Doc. 84-18212 Filed 7-10-84; 8.45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF EDUCATION

34 CFR Parts 75, 76, 200, 298, and 668

41 CFR Part 34-30

Interest on Outstanding Debts

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary of Education proposes regulations on the charging of interest on outstanding debts owed to the Department of education by contractors, grantees, and institutions of higher education participating in student financial aid programs authorized by Title IV of the Higher Education Act of 1965. These proposed regulations would add new sections to the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75, 76) and make corresponding changes to make these regulations appliable to certain programs that are not otherwise governed by the provisions of EDGAR. These proposed regulations also add a new section on the charging of interest on outstanding debts to the Department's procurement regulations (41 CFR Chapter 34).

DATE: Comments must be received on or before August 27 1984.

ADDRESS: Written comments should be sent to Mr. Barry Bontemps, Director, Financial Management Service, U.S. Department of Education, 400 Maryland Avenue SW., Room 3105, FOB-6, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Bontemps, (202) 245-8360.

SUPPLEMENTARY INFORMATION:

A. Background

On April 1, 1980, the Education Division of the Department of Health, Education, and Welfare, the predecessor agency to the Department of Education, issued a notice of proposed rulemaking on the procedures for the collection of debts that grantees and contractors owed under certain programs that were administered by the Education Division (45 FR 21303-06). Section 100a.909 of these proposed regulations concerned the charging of interest on outstanding debts. Under these proposed regulations, interest was to be charged on outstanding debts beginning thirty days after the date of the first demand letter from a delegated collection office demanding that a debtor pay a debt by a given date. However, these proposed regulations excepted the charging of interest during any administrative appeal process provided for by statute or regulation. Public comments on the proposed regulations were received and considered.

On September 29, 1982, subsequent to the issuance of the proposed regulations but prior to the preparation of the final regulations, the Office of Management and Budget (OMB) issued a revised Circular A-50 to the heads of the executive departments and agencies on the procedures for the resolution of audits of Federal funds. Under this Circular, the heads of executive departments and agencies were instructed that "[i]nterest on audit-related debts shall begin to accrue no later than 30 days from the date the auditee is notified of the debt."

In addition, the Debt Collection Act of 1982 (Pub. L. No. 97-365) was enacted on October 25, 1982. Section 11 of the Debt Collection Act of 1982 contains specific requirements and procedures relating to the charging of interest on debts owed to the Federal Government by persons. Because of the issuance of OMB Circular A-50, and the enactment of the Debt Collection Act of 1982, the Department is issuing new proposed regulations on charging interest rather than issuing final regulations at this time. The issuance of the new proposed regulations will provide the public the opportunity to submit comments in light of OMB Circular A-50 and the Debt Collection Act of 1982.

B. Overview of these regulations

These proposed regulations establish a uniform practice of charging interest on debts owed under most programs administered by the Department of Education. Under these regulations, interest begins to accrue from the date of the first formal written notice from an authorized official demanding that a debtor pay a debt by a given date. Interest is not charged, however, if the debt is paid within thirty days of the date of this first formal written notice.

Interest accrues from the date of the first demand letter until repayment, even if a debtor seeks review of the determination that a debt is due by an administrative appeal board, such as the Education Appeal Board, or by a court. The charging of interest on outstanding debts during any administrative or judicial review process is necessary so that the Department can recover the full value of outstanding debts. Interest is only collected, however, after the completion of any administrative or judicial review proceedings specifically provided for by statute or regulation, and only on the amount of the debt ultimately upheld.

The rate of interest charged on outstanding debts under these proposed

regulations will be computed in accordance with section 11 of the Debt Collection Act of 1982 (now codified at 31 U.S.C. 3717). With certain exceptions, this rate is equal to the average investment rate for the Treasury tax and loan accounts for the twelve-month period ending on September 30 of each year, rounded to the nearest whole percentage point. The interest rate to be charged is the rate on the date when the first formal demand letter is sent to the debtor, and remains fixed at that rate for the duration of the indebtedness.

These proposed regulations apply to both direct grant programs covered under 34 CFR Part 75 of EDGAR and State-administered programs covered under 34 CFR Part 76. The substantive provision on interest charges will be located in Subpart G of 34 CFR Part 75 ("What Procedures Does the Department Use to Get Compliance?"). Subpart H of 34 CFR Part 76 ("What Procedures Does the Secretary Use to Get Compliance?") will cross-reference the substantive provision in 34 CFR Part 75. This cross-reference will make the section on interest charges in 34 CFR Part 75 applicable to programs covered under 34 CFR Part 76.

These proposed regulations would also amend the final regulations for Chapters 1 and 2 of the Education Consolidation and Improvement Act of 1981 (ECIA) and the general provisions for student financial assistance programs under Title IV of the Higher Education Act of 1965 to make the provision on interest charges in 34 CFR Part 75 apply to these programs. These amendments are necessary because, with certain exceptions, the provisions of EDGAR do not apply to these programs. In addition, these proposed regulations would amend the Department's procurement regulations in 41 CFR Part 34–30 to include the provision on interest. However, the proposed regulations do not apply if a different rule or procedure on charging interest is prescribed by a specific statute, contract, or regulation.

C. Effect of These Regulations

These regulations are being published in proposed form so that further public comment can be solicited on the procedures for charging interest for debts under the Department's programs. These regulations are not intended to preclude the charging of interest for any debt for which the debtor has been notified previously that interest will be charged, or the charging of interest as part of the damages assessed for a violation of law. On all outstanding debts for which debtors are not notified prior to the effective date of these regulations that interest is being charged, the Department intends to charge interest as of the effective date of the final regulations.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These proposed regulations only affect a limited numbers of grantees, contractors and institutions of higher education who owe debts to the United States. To the extent that these proposed regulations affect States and State agencies, they are not expected to have an impact on small entities because States and State agencies are not considered small entities under the Regulatory Flexibility Act. These proposed regulations will affect some small entities, such as small local educational agencies, but they are not expected to have a significant economic impact on these entities because they do not impose excessive regulatory burdens or require unnecessary Federal supervision.

Invitation to Comment

Public comments are invited on these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Federal Office Building 6, Room 3105, 400 Maryland Avenue SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week, except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of the proposed regulations. In these parentheses, section 11 of the Debt Collection Act of 1982 (31 U.S.C. 3717) is cited as authority for charging interest on outstanding debts owed by persons, but is not relied upon as authority for charging interest on debts owed by any State or local government. With respect to State and local governments, the other cited authorities provide the basis for charging interest on outstanding debts. In particular, the Federal Government has a judicially recognized common law right to charge interest on outstanding debts. While State and local governments are not covered by section 11 of the Debt Collection Act of 1982, the Department retains the common law authority to charge interest on debts owed by State and local governments.

Dated: July 6, 1984.

T. H. Bell,

Secretary of Education.

List of Subjects

34 CFR Parts 75, 76, 200, and 298

Administration practice and procedure, debt collection and interest.

34 CFR Part 668

Loan programs, College and University student aid.

41 CFR Part 34–30

Debt collection, claims.

(Catalog of Federal Domestic Assistance Number does not apply)

The Secretary proposes to amend Titles 34 and 41 of the Code of Federal Regulations as follows:

TITLE 34—EDUCATION

PART 75—DIRECT GRANT PROGRAMS

1. Part 75 of Title 34 is revised by adding a new § 75.909 to Subpart G to read as follows:

§ 75.909 Charging of Interest.

(a) The Secretary charges interest on outstanding debts from the date of the first demand letter from an authorized Department official, unless the debt is repaid within thirty days of the date of the first demand letter or a different rule is prescribed by statute, contract, or regulation.

(b)(1) The Secretary computes the interest rate charged on any outstanding debt in accordance with 31 U.S.C. 3717

unless a different rate is prescribed by statute, contract, or regulation.

(2) The rate of interest charged on any outstanding debt is the rate under paragraph (b)(1) of this section which is in effect on the date of the first demand letter sent to the debtor, and remains fixed at that rate for the duration of the indebtedness, unless a different procedure is prescribed by statute, contract, or regulation.

(c) If interest accrues on a delinquent debt, or if a debt is paid in installments, the Secretary applies all payments received first to the payment of the accrued interest and then to the principal, unless a different rule is prescribed by statute, contract, or regulation.

(d)(1) Interest accrues on outstanding debts from the date of the first demand letter from an authorized Department official, in accordance with paragraphs (a)–(c) of this section, even if the debtor seeks administrative or judicial review of the determination that a debt is due.

(2) The Secretary collects interest only after completion of any administrative or judicial review proceedings specifically provided for by statute or regulation, and only on the amount of the debt ultimately upheld by the administrative authority or court.

(e) Nothing in this section precluses the Secretary from charging or collecting interest for any debt for which the debtor was notified prior to the effective date of this section that interest would be charged, or as part of the damages assessed for a violation of law.

(f) For purposes of this part, "demand letter" means a formal written notice from an authorized official demanding that a grantee, contractor, or institution of higher education pay a debt by a given date. This term includes a final audit determination issued by an authorized official demanding repayment of misspent or disallowed Federal funds.

(20 U.S.C. 3474(a); 31 U.S.C. 3717; OMB Circular A–50; *Royal Indemnity Co.* v. *United States,* 313 U.S. 289 (1941); *Young* v. *Godbe,* 82 U.S. (15 Wall) 562, 565 (1873); *Swartzbaugh Manufacturing Co.* v. *United States,* 289 F.2d 81 (6th Cir. 1961))

§ 75.910-75.913 [Reserved]

PART 76—STATE-ADMINISTERED PROGRAMS

2. Section 76.1 of Title 34 is amended by revising paragraph (c) to read as follows:

§ 76.1 Programs to which Part 76 applies.

* * * * *

(c) The regulations in Part 76 do not apply to the programs authorized under Chapter 1 and Chapter 2 of the Education Consolidation and Improvement Act of 1981, with the exception of § 76.904 which does apply to the Chapter 1 and Chapter 2 programs.

* * * * *

3. Part 76 of Title 34 is amended by adding the following § 76.904 new provision in Subpart H:

§ 76.904 Charging of interest.

The Secretary charges interest on outstanding debts in programs covered by this part in accordance with 34 CFR 75.909.

(20 U.S.C. 3474(a); 31 U.S.C. 3717; OMB Circular A–50; *Royal Indemnity Co.* v. *United States,* 313 U.S. 289 (1941); *Young* v. *Godbe,* 82 U.S. (15 Wall) 562, 565 (1873); *Swartzbaugh Manufacturing Co.* v. *United States,* 289 F.2d 81 (6th Cir. 1961))

PART 200—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

4. In Section 200.57 of Title 34, paragraphs (a)(2) and (b)(2)(iii) are revised to read as follows:

§ 200.57 Audits and access to records.

(a) * * *

(2) An SEA shall repay to the Department the amount of Chapter 1 funds determined by the audit not to have been spent in accordance with applicable law. The Secretary charges interest on outstanding debts resulting from audit claims in accordance with 34 CFR 76.904.

(b) * * *

(2) * * *

(iii) If the Chapter 1 funds that an SEA recovers under paragraph (b)(2)(i) of this section are no longer available for obligation under the terms of section 412(b) of GEPA, the SEA shall return those funds to the Department. The Secretary charges interest on outstanding audit claims from the date of the first demand letter from an authorized Department official in accordance with 34 CFR 76.904.

* * * * *

PART 298—CHAPTER 2 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981

5. Section 298.16(b)(1) of Title 34 is revised to read as follows:

§ 298.16 Federal audits and access to records.

* * * * *

(b)(1) An SEA shall repay to the Department the amount of Chapter 2 funds determined by a Federal audit not to have been spent in accordance with applicable law. The Secretary charges interest on outstanding debts resulting from audit claims in accordance with 34 CFR 76.904.

* * * * *

6. Section 298.17 of Title 34 is amended by adding a new paragraph (e) to read as follows:

§ 298.17 State audits.

* * * * *

(e) The Secretary charges interest on outstanding debts resulting from audit claims under this section from the date of the first demand letter from an authorized Department official in accordance with 34 CFR 76.904.

* * * * *

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

7 Section 668.13 of Title 34 is amended by adding a new paragraph (c) to read as follows:

§ 668.13 Audit exceptions and repayments.

* * * * *

(c) The Secretary charges interest on outstanding debts resulting from audits or other reviews in accordance with 34 CFR 75.909.

* * * * *

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT—[AMENDED]

CHAPTER 34—DEPARTMENT OF EDUCATION

PART 34-30—CONTRACT FINANCING

8. Chapter 34 of Title 41 is revised by adding the Subpart 34–30.2 (consisting of § 34–30.201) to Part 34–30 to read as follows:

Subpart 34-30.2—Basic Policies

§ 34-30.201 Charging of interest.

(a) The Secretary charges interest on outstanding debts from the date of the first demand letter from an authorized Department official, unless the debt is repaid within thirty days of the date of the first demand letter or a different rule is prescribed by statute, contract, or regulation.

(b)(1) The Secretary computes the interest rate charged on any outstanding debt in accordance with 31 U.S.C. 3717, unless a different rate is prescribed by statute, contract, or regulation.

(2) The rate of interest charged on any outstanding debt is the rate under paragraph (b)(1) of this section which is in effect on the date of the first demand letter sent to the debtor, and remains fixed at that rate for the duration of the indebtedness, unless a different procedure is prescribed by statute, contract, or regulation.

(c) If interest accrues on a delinquent debt, or if a debt is paid in installments, the Secretary applies all payments received first to the payment of the accrued interest and then to the principal, unless a different rule is prescribed by a statute, contract, or regulation.

(d)(1) Interest accrues on outstanding debts from the date of the first demand letter from an authorized Department official, in accordance with paragraphs (a)–(c) of this section, even if the debtor seeks administrative or judicial review of the determination that a debt is due.

(2) The Secretary collects interest only after completion of any administrative or judicial review proceedings specifically provided for by statute or regulation, and only on the amount of the debt ultimately upheld by the administrative authority or court.

(e) Nothing in this section precludes the Secretary from charging or collecting interest for any debt for which the debtor was notified prior to the effective date of this section that interest would be charged, or as part of the damages assessed for a violation of law.

(f) For purposes of this part, "demand letter" means a formal written notice from an authorized official demanding that a grantee, contractor, or institution of higher education pay a debt by a given date. This term includes a final audit determination issued by an authorized official demanding repayment of misspent or disallowed Federal funds.

(20 U.S.C. 3474(a); 31 U.S.C. 3717; OMB Circular A–50; *Royal Indemnity Co.* v. *United States,* 313 U.S. 289 (1941); *Young* v. *Godbe,* 82 U.S. (15 Wall) 562, 565 (1873); *Swartzbaugh Manufacturing Co.* v. *United States,* 289 F.2d 81 (6th Cir. 1961))

[FR Doc. 84–18334 Filed 7–10–84; 8:45 am]
BILLING CODE 4000–01–M

VETERANS ADMINISTRATION

38 CFR Part 3

Categories of Administrative Separation

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendment.

SUMMARY: The Veterans Administration (VA) is proposing to amend its adjudication regulations concerning character of discharge from military service. This action is required because the Department of Defense (DOD) has created three new categories of administrative separation for enlisted personnel that will not include a characterization of the individual's service. For VA purposes the term "veteran" requires a discharge characterized as under conditions other than dishonorable. Since DOD is no longer required to characterize service in certain circumstances, the VA must determine "veteran" status based on the facts and circumstances of service when a claim for benefits is filed. The intended effect of this regulatory amendment is to provide a uniform rule for determination of status in cases of uncharacterized administrative separations.

DATES: Comments must be received on or before August 10, 1984. These changes are proposed to be effective immediately and to apply to uncharacterized administrative separations resulting from separation proceedings initiated on or after October 1, 1982.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until August 24, 1984.

FOR FURTHER INFORMATION CONTACT: Robert M. White, (202) 389–3005.

SUPPLEMENTARY INFORMATION: Department of Defense (DOD) Directive number 1332.14 has created three categories of Administrative separation for enlisted personnel that will not include a characterization of service. The Directive applies to administrative separation proceedings initiated on or after October 1, 1982. The three categories of uncharacterized administrative separation are:

Entry Level Separation: For use only if separation processing is inititated during the first 180 days of continuous active military service. Service will not be characterized unless the circumstances warrant a characterization of Under Other Than Honorable Conditions, or the Secretary concerned determines an Honorable characterization is warranted.

Void enlistments of Inductions: Separation will be described as an order of release from custody or control of the military Service unless a constructive enlistment is involved, in which case service will generally be either characterized or shown as Entry Level Separation, as appropriate.

Dropping From the Rolls: This form of separation will generally be used when a serviceperson has been absent without authority for an extended period of time and return to military control is unlikely.

Since "veteran" status for VA purposes requires a discharge or release "under conditions other than dishonorable" (38 U.S.C. 101(2)), the Veterans Administration must determine the status of individuals separated under the above categories based on the facts and circumstances of service. We have reviewed the requirements for issuance of these uncharacterized separations and propose to handle them in the manner described below.

By the terms of the DOD Directive the uncharacterized administrative separation described as Entry Level Separation may not be issued if the circumstances of the case warrant a characterization of Under Other Than Honorable Conditions. It follows, therefore, that Entry Level Separations would at least be characterized as General (under honorable conditions) if characterization were required. A discharge characterized as Honorable or General (under honorable conditions) is treated by the Veterans Administration as under conditions other than dishonorable without need to review underlying facts or circumstances (38 CFR 3.12(a)). Having reviewed the various reasons for which an Entry Level Separation may be issued, we propose to consider such an administrative separation as under conditions other than dishonorable.

Uncharacterized administrative separations because of void enlistment or induction or being dropped from the rolls will be considered the equivalent of discharges issued Under Other Than Honorable Conditions. This will require adjudication personnel to obtain the facts and circumstances surrounding such an administrative separation and make a determination as to whether the discharge was issued under conditions other than dishonorable. For determinations regarding void enlistments or inductions the provisions of 38 CFR 3.14 will apply.

These regulatory amendments regarding uncharacterized administrative separations do not

obviate the necessity for compliance with the minimum active duty service requirements of 38 CFR 3.12a. Under these proposed changes, however, Entry Level Separations and favorable determinations in the other two categories of uncharacterized discharges will satisfy the definition of the term "veteran" and will allow such persons to be considered under the exceptions to the minimum service requirements in 38 CFR 3.12a(d).

Because DOD procedures for issuance of uncharacterized administrative separations are already in effect, the Administrator has determined that this regulatory amendment should be effective immediately upon publication in final form.

Editorially, we propose to substitute the term "former service member" for the word "veteran" each place it appears in 38 CFR 3.12. This change will be made for clarity because the term "veteran" does not really apply until the character of discharge has been favorably determined.

The Administrator hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only claimants for VA benefits could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Exec. Order 12291, Federal Regulation, the VA has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United State-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109, and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: June 19, 1984.

Harry N. Walters,

Administrator.

PART 3—[AMENDED]

In 38 CFR Part 3, Adjudication, §3 12 is amended as follows:

§ 3.12 [Amended]

1. In paragraphs (a), the introduction of (c) and (c)(5), the word "veteran" is changed to "former service member"

2. In paragraph (b) the words "or unless otherwise specifically provided." are added to follow the word "release" at the end of the sentence.

3. A new paragraph (k) is added to read as follows:

§ 3.12 Character of discharge.

* * * * *

(k) *Uncharacterized separations.* Where enlisted personnel are administratively separated from service on the basis of proceedings initiated on or after October 1, 1982, the separation may be classified as one of the three categories of administrative separation that do not require characterization of service by the military department concerned. In such cases conditions of discharge will be determined by the VA as follows:

(1) *Entry level separation.* Uncharacterized administrative separations of this type shall be considered under conditions other than dishonorable.

(2) *Void enlistment or induction.* Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation, with reference to the provisions of § 3.14 of this title, to determine whether separation was under conditions other than dishonorable.

(3) *Dropped from the rolls.* Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation to determine whether separation was under conditions other than dishonorable. (38 U.S.C. 210(c))

2. The cross-reference following § 3.12 is amended by adding "Minimum active-duty service requirement. See § 3.12a."

[FR Doc. 84–16292 Filed 7–10–84; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[OAR-FRL-2626-6]

Federal and State Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Delayed Compliance Order for Harvard Manufacturing Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative Order to Harvard Manufacturing Company ("Harvard"). The Order requires the company to bring volatile organic hydrocarbon emissions from its surface coating lines in Bedford Heights, Ohio, into compliance with Ohio Rule 3745–21–09(I), part of the federally-approved Ohio State Implementation Plan (SIP). The company is unable to comply with these regulations at this time, and the proposed Order would establish an expeditious schedule requiring final compliance by December 31, 1984. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before August 10, 1984. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text of summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held twenty-one days after notice of the date, time and place of the hearing which will be provided in a separate notice in the Federal Register.

ADDRESS: Comments and requests for a public hearing should be submitted to the Office of Regional Counsel, EPA, Region V 230 S. Dearborn, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Michael G. Smith, Associate Regional Counsel, Office of Regional

Counsel (5C-16), EPA, Region V 230 South Dearborn Street, Chicago, Illinois 60604 at (312) 353-2094.

SUPPLEMENTARY INFORMATION: Harvard operates surface coating lines at its facility in Bedford Heights, Ohio. The proposed Order addresses volatile organic compound (VOC) emissions from the surface coating lines, all of which are subject to Rule 3745-21-09(I) which is part of the federally-approved Ohio State Implementation plan. That section limits the emissions of VOCs from surface coating lines, and Rule 3745-21-04(c)(8) specifies the compliance date applicable to Harvard.

The proposed Order requires final compliance with the emission limitations by December 31, 1984, by the reformulation of its surface coatings. If reformulation is not achieved by that date, than Harvard must install add-on control equipment and comply by June 30, 1985. Haravard has consented to the terms of the Order, and has agreed to meet the Order's increments during the period of this informal rulemaking.

The proposed Order satisfies the applicable requirements of section 113(d) of the Clean Air Act (the Act). If the Order is issued, compliance by the source with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (section 304) would be similarly precluded. Harvard has been notified that it is subject to, and may be required to pay a noncompliance penalty under section 120 of the Act.

Comments received by the date specified above will be considered in determining whether EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the Federal Register the Agency s final action on the Order in 40 CFR Part 65.

Authority: CAA, section 113D.

List of Subjects in 40 CFR Part 65

Air pollution control.

Dated: June 27, 1984.

Robert Springer,

Director, Planning and Management Division, Region V.

PART 65—DELAYED COMPLIANCE ORDERS

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

1. By adding an entry to the Table in § 65.540—Federal Delayed Compliance Orders issued under section 113(d)(1), (3), and (4) of the Act, as follows:

* * * * *

Source	Location	Order No	SIP regulation(s) involved	Date of FEDERAL REGISTER proposal	Final compliance date
Harvard Manufacturing Company, Inc.	Bedford Heights, Ohio	To be assigned	Rule 3745-21-09(I)	July 11, 1984	Dec. 31, 1984.

This entry is proposed to reflect the approval of the following Order:

United States Environmental Protection Agency—Region V

In the matter of Harvard Manufacturing Bedford Heights, Ohio Proceeding Pursuant to Section 113(d) of the Clean Air Act, as Amended (42 U.S.C. 7413(d)).

[Order No. EPA-84—]

Delayed Compliance Order

This Order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, (the "Act") 42 U.S.C. 7413(d), and contains a schedule for delayed compliance and interim control and reporting requirements. Public notice, opportunity for public hearing and thirty days notice to the State of Ohio have been provided, in accordance with section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1).

Findings

1. On January 11, 1984 the United States Environmental Protection Agency ("U.S. EPA") issued a Notice of Violation ("NOV") pursuant to section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), to Harvard Manufacturing Company (Harvard) for violations of Ohio State Implementation Plan ("SIP") Regulations OAC Rules 3745-21-09(I) at its surface coating lines at its Bedford Heights, Ohio facility. A copy of the NOV was on that date also sent to the Ohio Environmental Protection Agency ("OHIO EPA") in accordance with that section of the Act. OAC Rule 3745-21-09(I) prohibits any owner or operator of a metal furniture coating line from causing, allowing or permitting the discharge into the ambient air of volatile organic compounds ("VOC") after the date specified in OAC Rule 3745-21-04(C)(8), in excess of 3.0 pounds per gallon of coating applied excluding water. OAC Rule 3745-21-04(C)(8) requires that an owner or operator of such coating lines must achieve final compliance with OAC Rule 3745-21-09(I) by April 1, 1982.

2. Harvard owns and operates surfacing coating lines situated at its facility in Bedford Heights, Ohio at 24300 Solon Road which is subject to OAC Rule 3745-21-09(I) and 3745-21-04-(C)(8).

3. Pursuant to section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4), an opportunity to confer with U.S. EPA representatives was extended to Harvard, and a conference was held on February 15, 1984, by telephone. At the conference Harvard described the progress it was making towards reducing the emissions of VOC's at its surface coating line by reformulating its various coatings.

4. The violations of the cited Ohio SIP OAC Rule 3745-21-09(I) and 3745-21-04(C)(8) have continued beyond the 30th day after the date the Notice of Violation was received by Harvard.

5. It has been determined that although Harvard has made efforts to achieve compliance with Ohio OAC Rule 3745-21-09(I), it was not able to do so by the April 1, 1982, deadline specified in OAC Rule 3745-21-04(C)(8), and that Harvard is presently unable to comply and will be unable to achieve compliance until the dates set forth hereinafter.

6. After a thorough investigation of all relevant facts, including the seriousness of the violations and Harvard's good faith efforts to comply, and after opportunity for public comment, it has been determined that the schedules for compliance set forth in this Order are as expeditious as practicable, and that the terms of the Order comply with section 113(d) of the Act, 42 U.S.C. 7413(d).

Compliance Program

Therefore, it is ordered and agreed that: Harvard shall, achieve, demonstrate and maintain compliance with OAC Rule 3745-21-09(I), at the surface coating lines at its Bedford Heights, Ohio facility, as follows:

A. Harvard shall immediately undertake investigation and testing of the reformulation of its surface coatings.

B. Harvard shall specify in writing to the U.S. EPA prior to July 15, 1984, whether they will come into compliance by reformulation of its surface coatings, or by the installation of control equipment.

C. If compliance is by reformulation, Harvard shall achieve and demonstrate compliance at the surface coating line(s) at its Bedford Heights, Ohio facility in accordance with the following schedule:

1. Complete reformulation of 5% of non-complying coatings, on or before August 1, 1984;

2. Complete reformulation of 10% of non-complying coatings, on or before September 1, 1984;

3. Complete reformulation of 15% of non-complying coatings, on or before October 1, 1984;

4. Complete reformulation of 20% of non-complying coatings, on or before November 1, 1984;

5. Complete reformulation of 50% of non-complying coatings, on or before December 1, 1984;

6. Complete reformulation of 100% of non-complying coatings, on or before December 31, 1984.

D. Harvard shall submit to U.S. EPA interim and final reports of progress, including details of any problems or delays encountered, reasons therefore and a plan of correction. The first report shall be due on September 1, 1984 and each subsequent report shall be due no later than 5 days after the date of the corresponding milestones in the immediately preceding schedule.

E. On or before December 31, 1984, Harvard shall achieve and demonstrate to U.S. EPA total compliance with OAC Rule 3745-21-09(I) at the surface coating line(s) at its Bedford Heights, Ohio facility and further shall submit the following to U.S. EPA:

Identification of each coating material currently used at said surface coating line; this information shall include the supplier's name, coating identification code of supplier and Harvard, color, coating density in pounds per-gallon, percent solids content by volume, percent water content by volume, VOC content in pounds per gallon, and VOC content in pounds per gallon excluding water.

F On and after the final date of December 31, 1984, Harvard shall maintain the following-daily records:

1. Number of gallons, or total weight, in pounds, of each coating used on an as-received basis, for the surface coating line(s) at its Bedford Heights, Ohio facility.

2. Number of gallons, or total weight, in pounds, of each solvent added to each coating prior to application on such surface coating line(s).

Harvard shall maintain such records for a period of one year after termination of this Order and shall report such data to U.S. EPA monthly, by the 5th day of each succeeding month.

G. If compliance is to be attained by installation of control equipment at its Bedford Heights, Ohio, facility sufficient to comply with OAC Rule 3745-21-09(I), Harvard shall submit to the U.S. EPA the specifications of the control equipment and all ducting, hooding, and related facilities (including operating instructions for equipment) by September 1, 1984. Approval of the U.S. EPA shall be obtained for these specifications before construction begins.

H. Installation of controls shall proceed according to the schedule below:

Item	Completion date
(1) Preliminary engineering	Oct. 1, 1984.
(2) Issue purchase orders and submit final engineering plans to U.S. EPA.	Nov. 15, 1984.
(3) Complete installation	June 15, 1985.
(4) Achieve and demonstrate to U.S. EPA compliance with OAC Rule 3745-21-09(I).	June 30, 1985.

No later than 5 days after the scheduled completion date of any interim compliance schedule increment, Harvard shall submit to the U.S. EPA a status report, stating whether or not such compliance schedule milestone was achieved, together with an explanation of any problems or delays encountered and plan of correction. Further, by June 30, 1985, Harvard shall submit the following to U.S. EPA:

a. An identification and description of the operation of this add-on and related control facilities installed.

b. Results of a final facilities test pursuant to OAC 3745-21-10, demonstrating compliance with OAC Rule 3745-21-09(I).

I. Under either compliance program followed, Harvard shall permit the representatives (including contractors) of U.S. EPA to inspect Harvard's Bedford Heights, Ohio facilities and records and to make copies and to take appropriate samples.

J. After compliance is reached by either method, Harvard shall submit quarterly reports to U.S. EPA beginning at the end of the next calendar quarter. These reports shall continue until twelve months of continuous compliance has been achieved.

The reports shall include sufficient information for the U.S. EPA to evaluate the maintenance of compliance. They shall contain, but not be limited to, the amount of each coating used, the amount of additional solvent added (if any) and the specifications of each material if compliance is to be achieved by re-formulation. If compliance is by controls, copies of operating records sufficient for the U.S. EPA to determine whether compliance is maintained shall be submitted.

K. All submittals, notifications and reports to U.S. EPA pursuant to this Order shall be addressed to the Chief, Air Compliance Branch, Air Management Division, U.S. EPA, Region V (5AC-26), 230 South Dearborn Street, Chicago, Illinois 60604.

L. Nothing contained in the Findings or Order hereunder shall affect the responsibility of Harvard to comply with applicable State or local laws or regulations or other provision of Federal law or regulations.

M. Harvard is hereby notified that it may be required to pay a noncompliance penalty in acordance with section 120 of the Act, 42 U.S.C. 7420.

N. This Order shall be terminated in accordance with section 113(d)(8) of the Act, 42 U.S.C. 7413(d)(8), if the Administrator or his delegatee determines on the record, after notice and hearing, that an inability to comply with the applicable Ohio SIP no longer exists.

O. As long as Harvard is in compliance with the terms of this Order, it shall be protected by section 113(d)(10) of the Act, 42 U.S.C. 7413(d)(10) against Federal enforcement action under section 113 of the Act, 42 U.S.C. 7413, and citizen suit under section 304 of the Act, 42 U.S.C 7604, for noncompliance with Ohio SIP until the date for final compliance under the elected alternate hereunder.

P Nothing herein shall be construed to be a waiver by the U.S. EPA Administrator of any rights or remedies under the Clean Air Act, including but not limited to, section 303 of the Act, 42 U.S.C 7603.

Q. This Order is effective upon promulgation in the Federal Register.

Dated: _____

Administrator, United States Environmental Protection Agency.

Consent and Acknowledgement

Harvard Manufacturing Company by the duly authorized under-signed, does hereby consent to the provisions of the foregoing Delayed Compliance Order entered pursuant to 42 U.S.C. 7413(d). Harvard Manufacturing Company believes such order to be a reasonable means by which the surface coating lines at its Bedford Heights, Ohio facility can ultimately achieve compliance with the Ohio State Implementation Plan

OAC Rule 3745-21-09(I). Harvard Manufacturing Company further waives any and all rights under any provisions of law to challenge this Order.

Dated: June 20, 1984.

Harvard Manufacturing Company.

Edward Horejs,

President.

[FR Doc. 84-18314 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 65

[OAR-FRL-2625-6]

Federal and State Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Delayed Compliance Order for C.B. Henschel Manufacturing Co., Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an Administrative Order to C. B. Henschel Manufacturing Company, Inc. ("Henschel"). The Order requires the company to bring volatile organic hydrocarbon emissions from its paper coating lines in New Berlin, Wisconsin, into compliance with Wisconsin Administrative Code NR 154.13(4)(e)2, part of the federally-approved Wisconsin State Implementation Plan (SIP). The company is unable to comply with these regulations at this time, and the proposed Order would establish an expeditious schedule requiring final compliance by September 15, 1984. Source compliance with the Order would preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the Order.

DATES: Written comments must be received on or before August 10, 1984. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held twenty-one days after notice of the date, time and place of the hearing which will be provided in a separate notice in the Federal Register.

ADDRESS: Comments and requests for a public hearing should be submitted to the Office of Regional Counsel, EPA, Region V, 230 S. Dearborn, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Carey S. Rosemarin, Assistant Regional Counsel, Office of Regional Counsel (5C-16), EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 at (312) 353-2094.

SUPPLEMENTARY INFORMATION: Henschel operates six paper coating lines at its facility in New Berlin, Wisconsin. (The company will commence operation of a seventh line in late 1984.) The proposed order addresses volatile organic compound (VOC) emissions from the paper coating lines, all of which are subject to NR 154.13(4)(e), which is part of the federally-approved Wisconsin State Implementation Plan. That section limits the emissions of VOCs from paper coating lines, and specifies the compliance date applicable to Henschel.

The proposed Order requires final compliance with the emission limitations of NR 154.13(4)(e) by September 15, 1984, by the installation of add-on control equipment which complies with NR 154.13(4)(b)1.c and 154.13(4)(b)3. The Order provides that this equipment must be installed by September 1, 1984. Henschel has consented to the terms of the Order, and has agreed to meet the Order's increments during the period of this informal rulemaking.

The proposed Order satisfies the applicable requirements of section 113(d) of the Clean Air Act (the Act). If the Order is issued, compliance by the source with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisons of the Act (section 304) would be similarly precluded. Henschel has been notified that it is subject to, and may be required to pay a noncompliance penalty under section 120 of the Act.

Comments received by the date specified above will be considered in determining whether EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

List of Subjects in 40 CFR Part 65

Air pollution control.

Dated: June 27, 1984.

Robert Springer,

Director, Planning and Management Division, Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding an entry to the Table in § 65.540—Federal Delayed Compliance Orders issued under section 113(d)(1), (3), and (4) of the Act, as follows:

Source	Location	Order No.	SIP regulation(s) involved	Date of Federal Register proposal	Final compliance date
C. B. Henschel Manufacturing Co., Inc.	New Berlin, WI	To be assigned	NR154.13(4)(e), NR154.13(12)(3)	July 11, 1984	Sept. 15, 1984.

This entry is proposed to reflect the approval of the following Order:

United States Environmental Protection Agency—Region V

[Order No. EPA-84—]

In the matter of: C.B. Henschel Manufacturing Co., Inc. New Berlin, Wisconsin, Proceeding Pursuant to sections 113(d) and 114 of the Clean Air Act, as Amended [42 U.S.C. sections 7413(d), 7414].

This Order is issued this date pursuant to sections 113(d) and 114 of the Clean Air Act, as amended, 42 U.S.C. 7413(d), 7414 (hereinafter the "Act"), and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for public comment, and thirty days' notice to the State of Wisconsin have been provided in accordance with section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1).

Findings

1. On September 29, 1983, the United States Environmental Protection Agency ("U.S. EPA" or "Agency") issued a

Notice of Violation pursuant to section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), to C.B. Henschel Manufacturing Company, Inc. (Henschel) for violations of Wisconsin State Implementation Plan (SIP) Regulation NR 154.13(4)(e)(2) at its New Berlin, Wisconsin facility ("facility"). Regulation NR 154.13(4)(e)(2) prohibits any owner or operator of a paper coating line from causing, allowing or permitting the emission from a paper coating line of any volatile organic compounds (VOCs) in excess of 2.9 pounds per gallon of coating (excluding water) delivered to each coating applicator. Regulation NR 154.13(4)(e)(1), requires compliance by August 1, 1979, but is subject to NR 154.13(12). NR 154.13(12)(b) extends the date to September 30, 1981 for owners or operators of VOC emission sources proposing to install and operate VOC emission control equipment. NR 154.13(12)(c) extends the date to November 30, 1981 for owners or operators of a VOC source proposing to employ low solvent content coating or ink application technology to comply with the VOC emission limitation.

2. Henschel owns and operates paper coating lines known as the Chambers, Bilhofer, Duophan, and Voith lines. Henschel owns and operates three Bilhofer lines, and will commence operation of a second Duophan line only after the catalytic converter/heat recovery system becomes operative in accordance with the compliance program established below. All paper coating lines in the facility are subject to NR 154.13(4)(e).

3. Pursuant to Section 113(a)(4) of the Act, 42 U.S.C. 7413(a)(4), an opportunity to confer with U.S. EPA representatives was extended to Henschel, and a conference was held on October 24, 1983. During the conference, and later, in its letter of December 1, 1983, Henschel explained the results of its investigations of compliance methods and efforts to come into compliance.

4. The violations of Regulation NR 154.13(4)(e)(2) have continued beyond the thirtieth day after the date that the Notice of Violation was received by Henschel.

5. It has been determined that although Henschel has made significant efforts to achieve compliance with Regulation NR 154.13(4)(e)(2), it was not able to do so by August 1, 1979, September 30, 1981, or November 30, 1981. It has also been determined that Henschel will be unable to achieve compliance prior to the dates set forth herein.

6. After a thorough investigation of all relevant facts, including the seriousness of the violations and Henschel's good faith efforts to comply, and after opportunity for public comment, it has been determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of the Order comply with section. 113(d) of the Act. 42 U.S.C. 7413(d).

Therefore, the following terms are ordered and agreed:

Compliance Program

A. Henschel shall achieve and demonstrate compliance with Wisconsin Administrative Code NR 154.13(4)(e)(2) at its facility. After September 15, 1984, Henschel shall not operate its facility in violation of NR 154.14(e)(2).

B. Henschel shall achieve and demonstrate compliance with NR 154.13(4)(e)(2) in accordance with the following schedule:

(1) On March 5, 1984, Henschel made a down payment on a catalytic converter/heat recovery system, manufactured by Pillar Corporation.

(2) Henschel shall acquire delivery of the catalytic converter/heat recovery system by July 1, 1984.

(3) Henschel shall complete installation of the catalytic converter/heat recovery system, including collection equipment and all necessary auxiliaries, by September 1, 1984.

(4) Henschel shall achieve complete compliance with NR 154.13(4)(e)(2) by means of the operation of the catalytic converter/heat recovery system by September 15, 1984.

(5) During such time that Henschel is working toward compliance as outlined in subparagraphs B.1. through B.4., above, Henschel shall also minimize VOC emissions by the following means:

(i) Henschel shall use the Isis #599 coating (having a VOC content of not greater than 2.9 pounds per gallon) to the maximum extent practicable in all gloss coating components of its operation.

(ii) Henschel shall use the Isis #599 coating or Isis #600 coating (each having a VOC content of not greater than 2.9 pounds per gallon) to the maximum extent practicable in all high gloss magazine cover coating components of its operation.

(iii) Henschel shall use the Isis #601 (having a VOC content of not greater than 2.9 pounds per gallon) to the maximum extent practicable in all book lacquer coating components of its operation and shall continue to test Isis #601 coating for such use notwithstanding the installation of catalytic converter/heat recovery system.

C. Capture and destruction efficiencies of the catalytic converter/heat recovery system shall be achieved in accordance with the following requirements.

(1) The catalytic converter/heat recovery system shall oxidize to nonorganic compounds at least 90% of the nonmethane VOCs (VOC measured as total combustible carbon) which enter the incinerator or oxidation unit. *See* NR 154.13(4)(b)1.c.

(2) Henschel shall submit to U.S. EPA a written certification of the design, operation, and efficiency of any and all systems used in conjunction with the catalytic converter/heat recovery system by September 30, 1984. Said certification shall demonstrate that the applicable emission limitation will be achieved and shall be based on data derived from operation of the catalytic converter/heat recovery system. *See* NR 154.13(4)(b)3.

D. With respect to the catalytic converter/heat recovery system that Henschel intends to install, Henschel shall:

(1) Submit to U.S. EPA a copy of all specifications and prints not later than June 15, 1984.

(2) Submit to U.S. EPA a copy of the design(s) of all hoods and/or other collection equipment that Henschel intends to use in conjunction with the catalytic converter/heat recovery system not later than June 15, 1984.

(3) Maintain a continuous record of the operating temperature of the catalytic converter/heat recovery system.

(4) Submit to U.S. EPA all information that U.S. EPA may reasonably request in order to evaluate said catalytic converter/heat recovery system, and/or the operation thereof, by such date as U.S. EPA shall establish.

E. U.S. EPA shall have the right to reject such plans, specifications, or designs if it judges them inconsistent with Henschel's ability to comply with the appropriate emission limitations.

F In the event that Henschel fail to comply with paragraph B.4., above, then it shall submit to U.S. EPA in writing the following information:

(1) Identification, by line, of each coating used by Henschel. This information shall include the supplier's name, coating identification code; color; coating density in pounds per gallon; solids content expressed as percent by weight; solids density in pounds per gallon; chemical composition of the volatile portion expressed as percent by weight of all solvents, both exempt and non-exempt; water content expressed as percent by weight of all solvents, both exempt and non-exempt; water content expressed as percent by weight; and total batch weight of as-received coating

prior to solvent and/or solids addition at each line.

(2) Identification of each solvent and solids addition associated with each coating material used at each line. This information shall include the weight of solids added in pounds; solids density in pounds per gallon; weight of all exempt and non-exempt solvents added in pounds; weight of water added in pounds; and the as-applied coating density in pounds per gallon.

The information required by this paragraph E shall be submitted not later than the fifteenth of the month following the end of the calendar quarter, commencing with the fourth quarter of 1984, and continuing to and including the third quarter of 1985.

G. No later than 14 days after the scheduled completion date of any interim or final compliance schedule increment Henschel shall submit to the U.S. EPA a status report stating whether or not such compliance schedule milestone was achieved, and explaining any failure to meet such date.

H. All submittals, notifications and reports to U.S. EPA pursuant to this Order shall be made to the Chief, Air Compliance Branch, Air Management Division, U.S. EPA, Region V 230 South Dearborn Street, Chicago, Illinois 60604.

I. Nothing contained in these Findings or Order shall affect the responsibility of Henschel to comply with the State or local laws or regulations or other Federal laws or regulations.

J. The provisions of this Order in no way address Henschel's potential liability under section 120 of the Act, as amended, 42 U.S.C. 7420, nor is this Order a "notice of noncompliance" as that term is applied in section 120(b)(3) of the Act. Henschel acknowledges that it has been notified that it may be subject to penalties under section 120 of the Act, but it reserves the right to contest the assessment and attempted collection of noncompliance penalties under that section.

K. This Order shall be terminated in accordance with section 113(d)(8) of the Act, 42 U.S.C. 7413(d)(8) if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with the applicable Wisconsin State Implementation Plan no longer exists.

L. Henschel is protected by section 113(d)(10) of the Act, 42 U.S.C. 7413(d)(10), against Federal enforcement action and citizen suits under section 304 of the Act, 42 U.S.C. 7604, for noncompliance with those parts of the Wisconsin State Implementation Plan covered by this Order until the date for final compliance in the Order is past, where Henschel is in compliance with the terms of this Order.

M. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Act, including, but not limited to section 303 of the Act, 42 U.S.C. 7503.

N. This Order is effective upon promulgation in the Federal Register.

Dated: _____

Administrator, United States Environmental Protection Agency.

Henschel, by the duly authorized undersigned, hereby consents to the provisions of this Order and believes it to be a reasonable means by which its New Berlin, Wisconsin facility can achieve compliance with the Wisconsin State Implementation Plan. Henschel further waives any and all rights under any provisions of law to challenge this Order.

Dated: June 25, 1984.

Warren J. Henschel,

Vice President, C.B. Henschel Manufacturing Company.

[FR Doc. 84-18312 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 123

[WH-FRL-2627-4]

Rhode Island's Application To Administer the National Pollutant Discharge Elimination System (NPDES) Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; Notice of application, public comment period, public hearing and codification of state program approvals.

SUMMARY: The State of Rhode Island has submitted an application to the Environmental Protection Agency to administer and enforce the National Pollutant Discharge Elimination System (NPDES) program for regulating discharges of pollutants into waters within the State. According to the State's proposal, the NPDES program would be administered by the Division of Water Resources in the Rhode Island Department of Environmental Management (RIDEM) under the direction of Robert Bendick, Director.

The application received from Rhode Island is complete and is now available for inspection and copying. Public comments are requested and a public hearing will be held. In addition, upon approving state NPDES submissions or modifications to existing state programs, EPA will codify that approval.

DATES: Comments must be received on or before August 31, 1984. A public hearing has been scheduled for August 22, 1984, at 7:00 to 10:00 pm.

ADDRESSES: Comments should be addressed to Edward K. McSweeney, Chief, Compliance Branch (WCM-2103), John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-7057, Attention: Bernard Sacks. The public hearing will be held at the auditorium, Health Building, 75 Davis Street, Providence, Rhode Island.

FOR FURTHER INFORMATION CONTACT: Bernard Sacks, Water Management Division, Compliance Branch (WCM-2103), JFK Federal Building, Boston Massachusetts 02203, (617) 223-7057.

SUPPLEMENTARY INFORMATION: Section 402 of the Federal Clean Water Act (CWA) created the NPDES program under which the Administrator of the United States Environmental Protection Agency (EPA) may issue permits for the discharge of pollutants into waters of the United States under conditions required by that Act. Section 402(b) provides for states to assume the NPDES program responsibilities upon approval by EPA.

Rhode Island's program submission for NPDES program approval contains a letter from the Governor requesting NPDES program approval, a program description, an Attorney General's statement, copies of State statutes and regulations providing authority to carry out the program, and a Memorandum of Agreement (MOA) to be executed by the Regional Administator, Region I, EPA and the Director. The Administrator is required to approve each such submitted program within 90 days of submittal unless it does not meet the requirements of section 402(b) of the Act and EPA regulations promulgated thereunder, which include, among other things, authority to impose civil and criminal penalties for permit violations, and authority to insure that the public is given notice and opportunity for a hearing on each proposed NPDES permit issuance.

At the close of the public comment period (including the public hearing) and within the ninety (90) day review period, the Administrator of EPA will decide to approve or disapprove Rhode Island's NPDES program.

The decision to approve or disapprove Rhode Island's NPDES program will be based on the requirements of section 402 of the CWA and 40 CFR Part 123. If Rhode Island's NPDES program is approved, the Administrator will so notify the State. Notice will be published in the Federal Register and, as

of the date of program approval, EPA will suspend issuance of NPDES permits in Rhode Island. The State's program will implement federal law and operate in lieu of the EPA administered program. However, EPA will retain the right, among other things, to object to NPDES permits proposed to be issued by an approved Stated and to take enforcement actions for violations. If the Administrator disapproves Rhode Island's NPDES program, the Administrator will notify the State of the reasons for disapproval and of any revisions or modifications to the State program which are necessary to obtain approval.

The Rhode Island submittal may be reviewed by the public from 9:00 am to 4:00 pm, Monday through Friday, excluding holidays, at the Division of Water Resources, Room 209, 75 Davis Street, Providence, Rhode Island, or at the EPA office in Boston at the address appearing earlier in this notice. Copies of the submittal may also be obtained (at a cost of 20 cents/page) by appearing in person at either of those offices, or by writing to EPA or Rhode Island at the addresses listed.

A public hearing to consider the State of Rhode Island's request to administer the NPDES permit program has been scheduled for August 22, 1984 at 7:00 to 10:00 pm at the Auditorium, Health Building, 75 Davis Street, Providence, Rhode Island.

The Hearing Panel will include representatives of EPA, Region I and RIDEM.

The following are policies and procedures which shall be observed at the public hearing:

(1) The Presiding Officer shall conduct the hearing in a manner that permits open and full discussion of any issues involved;

(2) Any person may submit written statements or documents for the record;

(3) The Presiding Officer may, in his or her discretion, exclude oral testimony if such testimony is overly repetitious of previous testimony, or is not relevant to the decision to approve or requre revision of the submitted State program;

(4) The Presiding Officer may limit oral testimony to five (5) minutes total per person;

(5) Members of the Hearing Panel may ask questions of witnesses and respond to questions and statements of witnesses;

(6) The transcript taken at the hearing, together with copies of all submitted statements and documents, shall become a part of the record submitted to the Administrator; and

(7) The hearing record shall be left open until August 31, 1984, as described below, to permit any person to submit additional written statement or to present views or evidence tending to rebut testimony presented at the public hearing.

Immediately following the public comment period, the Regional Administrator shall forward a copy of the complete hearing record to the Administrator.

Hearing statements may be oral or written. Written copies of oral statements are urged for accuracy of the record and for the use of the hearing panel and other interested persons. Statements should summarize any extensive written materials.

All comments or objections received by EPA, Region I, by August 31, 1984, or presented at the public hearing, will be considered by EPA before taking final action on the Rhode Island Request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know will be interested in this matter. All written comments and questions on the hearing, or the NPDES program, should be addressed to Edward K. McSweeney, Chief, Compliance Branch (WCM-2103), Water Management Division, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Attention: Bernard Sacks.

Upon approving state NPDES program submissions or modifications to existing state programs, EPA will be codifying the decision in the Federal Register. This approach is consistent with the approach taken when approving State Implementation Plans under the Clean Air Act and Underground Injection Control programs under the Safe Drinking Water Act. It will provide additional notice of the elements of the program being approved and which will be enforceable by the state and by EPA.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 123

Water pollution control.

Dated: July 2, 1984.

Michael R. Deland,

Regional Administrator, Environmental Protection Agency, Region I.

[FR Doc. 84-18310 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 264

[OSWER-FRL-2627-3]

Hazardous Waste Management; Permit Applications for Hazardous Waste Land Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces the availability of a final draft guidance manual for public comment. The document is *Permit Applicant's Guidance Manual for Hazardous Waste Land Treatment, Storage, and Disposal Facilities*, EPA 530 SW-84-004. This manual provides guidance for the preparation of permit applications (Part A and Part B) for hazardous waste land treatment, storage, and disposal facilities regulated under the Resource Conservation and Recovery Act of 1976 (RCRA). It includes information describing the permitting procedure, regulatory requirements, and recommendations on the format and content of permit applications. EPA is publishing the manual because the Agency has received many requests for guidance on preparation of permit applications, and because the Agency wishes to provide assistance to applicants to assure that complete applications are prepared in order to expedite the permitting process.

DATES: Comments on the final guidance document should be submitted November 8, 1984.

ADDRESS: Comments should be addressed to Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency 401 M Street, SW., Washington, D.C. 20460. All communication should identify the title and publication number.

Copies of the final draft guidance manual *Permit Applicants' Guidance Manual for Hazardous Waste Land Treatment, Storage, and Disposal Facilities* (GPO stock number 055-000-00240-1) are available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. (202) 738-3238. Contact GPO regarding cost and ordering information. The manual is available for reading at all EPA libraries

and in the EPA RCRA docket in Room S-212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Arthur Day, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, 401 M Street. SW., Washington, D.C. 20460 (202) 382-4680.

SUPPLEMENTARY INFORMATION: Subtitle C of RCRA Section 3004, requires the Environmental Protection Agency (EPA) to promulgate regulations of facilities that treat, store, and dispose of hazardous wastes. Section 3005 requires the development of permitting requirements for hazardous waste management facilities. 40 CFR Part 270 describes the EPA's hazardous waste permit program. 40 CFR Part 264 contains the performance standards applicable to owners and operators of new and existing facilities.

In order to facilitate implementation of these standards, the EPA has developed a series of guidance documents. There are three types of documents: Technical Guidance Documents, Permit Guidance Manuals, and Technical Resource Documents. The Permit Guidance Manuals are directed to the permit applicants and to the EPA permit writers. They describe the permitting process, present the regulatory requirements, and provide recommendations related to the preparation of a permit application and the development of the resultant permit.

The *Permit Applicant's Guidance Manual for Hazardous Waste Land Treatment, Storage, and Disposal Facilities* is directed toward the owner or operator of a facility who is preparing a permit application. The manual describes the permitting process, lists technical reference material, and provides detailed guidance on the format and technical content of an application for surface impoundments, waste piles, land treatment units, landfills, and ground-water protection programs.

The manual provides the applicants with guidance to achieve the Part 264 (technical facility) standards. Discussions present the rationale of the regulations, clarification and expansion of details related to the regulations, and limited advice as to how the applicant's facility can meet the requirements. In many instances, references are made to EPA, other Federal, and external technical guidance and resource documents that may be helpful.

Each of the subsections of the Manual concludes with guidance for preparation of the permit application. Specific recommendations are presented on the type and extent of technical investigations and data presentations needed to fulfill Part 270 requirements. Lists of suggested data and descriptions of figures and format are provided. The concept of attachments to permit applications is presented and highly encouraged. Attachments are specific, stand-alone responses to particular application requirements, e.g., landfill liner design specifications or a sampling and analysis plan for ground-water monitoring. These attachments may become parts of the facility's permit. The general topics for the suggested attachments correspond to those provided EPA Regional permit writers in a model permit. Thus applicants are encouraged to submit documentation in forms that will facilitate review and permit preparation. An appendix to the Manual lists all suggested attachments.

Each of the four sections focusing on individual facility types (surface impoundments, waste piles, land treatment units, and landfills), concludes with a checklist. The checklists list the regulatory requirements and identify which apply to specific types of facilities. Applicants are encouraged to use the lists and to indicate where in their application each requirement is addressed. Checklists will help assure that complete applications are prepared.

Reauthorization of RCRA is currently under discussion in the Congress. Subsequent to any reauthorization, this manual will be revised to reflect changes in permitting requirements.

The final draft version of this manual has been reviewed and approved by the Office of Management and Budget.

Authority: Sec. 1006, 2002(a), 3004 and 3005 of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

List of Subjects in 40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal.

Dated: June 21, 1984.

Lee M. Thomas,

Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 84-18311 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 84-360]

Procurement of Apparatus, Equipment, and Services Required for the Establishment and Operation of the Global Communications Satellite Systems and Satellite Terminal Stations; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The Common Carrier Bureau, pursuant to delegated authority, grants an extension of time in CC Docket No. 84-360 concerning global communications satellite systems and satellite terminal stations, to file Reply Comments upon the request of International Relay Inc.

DATES: Time for Reply Comments extended from July 9, 1984 to and including July 16, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John F. Healy, Common Carrier Bureau, (202) 632-7834.

SUPPLEMENTARY INFORMATION:

Order

In the Matter of Amendment of Part 25 of the Commission's Rules and Regulations with respect to the procurement of apparatus, equipment, and services required for the establishment and operation of the global communications satellite systems and satellite terminal stations. CC Docket No. 84-360

(4-13-84; 49 FR 14768).

Adopted July 2, 1984.
Released July 3, 1984.
By the Common Carrier Bureau.

1. On June 28, 1984, International Relay, Inc. (IRI), pursuant to § 1.46 of the Commission's Rules, filed a Motion for Extension of time from July 9, 1984 to July 16, 1984 to file its Reply Comments in the above-captioned proceeding.

2. IRI in its motion states that its counsel responsible for the preparation of the reply comments will be absent from the country during much of the time period presently allowed and that the press of other proceedings such as the U.S. Earth Station Ownership Notice of Proposed Rulemaking, Docket No. 82-540, necessitate the request for additional time. In view of the above, we agree that an extension of time until

July 16, 1984, would not prejudice any party and would be in the public interest.

3. Accordingly, it is ordered, pursuant to the authority delegated in § 0.291 of the Commission's Rules that the request by IRI is granted, and the time for interested parties to file their Reply Comments in the above captioned proceeding is extended to and including July 16, 1984.

Federal Communications Commission.

James L. Ball,

Chief, International Facilities Division, Common Carrier Bureau.

[FR Doc. 84-18284 Filed 7-10-84; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1103

[Ex Parte No. 55; Sub-54]

Changes to Rules Governing Scheduling of ICC Non-Attorney Practitioners' Examinations

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is amending its rules which specify the schedule for the non-attorney practitioners' examination. The examination is currently given twice yearly, in June and December. Because the number of candidates for the winter examination has been gradually decreasing, the Commission proposes to hold a single practitioners' examination in June of each year.

COMMENT DATE: August 10, 1984.

ADDRESS: Send comments to: Interstate Commerce Commission, Office of the Secretary, Case Control Branch, Room 1312, 12th St. and Constitution Avenue NW., Washington, DC 20423.

All comments should refer to Ex Parte No. 55 (Sub-No. 54).

FOR FURTHER INFORMATION CONTACT: Darlene Proctor, (202) 275-7233.

SUPPLEMENTARY INFORMATION:

There are no longer a significant number of registrants for the winter sitting of the I.C.C. non-attorney Practitioners' Examination, as demonstrated by the figures set forth in Appendix B.

Since persons from virtually every office and bureau of the Commission are involved in the preparation, administration, and grading of the examination, and since the ranks of Commission personnel are decreasing, it seems unwise to marshal so many of the Commission's resources to administer the examinations twice a year to so few candidates.

For this reason, the Commission cancelled the non-attorney Practitioners' Examination that was scheduled for December of 1983. Moreover, we propose that the Commission's procedures be changed to require that the practitioners' examination be held only once each year, on the third Tuesday of June.

The Code of Federal Regulations is amended to reflect this change as shown in Appendix A of this decision.

This action does not affect significantly the quality of the human environment or the conservation of energy resources.

Small entities will not be affected significantly by this action.

(49 U.S.C. 10308 and 10321; 5 U.S.C. 559)

List of Subjects in 49 CFR Part 1103

Administrative practice and procedure.

Dated: July 2, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

PART 1103—[AMENDED]

Appendix A

In 49 CFR 1103.3, paragraph (g) is revised to read as follows:

§ 1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Commission.

* * * * *

(g) *Time and place of examination.* Examinations are conducted once a year on the third Tuesday of June of each year. Applications may be filed at any time, with April 1 being the deadline for each years' examination. Applications received after the April 1 deadline will be considered for the following year's examination. Notice of the time and place to appear for the examination will be mailed to qualifying applicants approximately 30 days prior to the date of the examination.

* * * * *

Appendix B

The following list is a breakdown of the Practitioner's Examinations from 1978 to the present.

Examination date	Number assigned	Actually took exam	Postponed did not show
February 1978	199	126	73
July 1978	177	149	28
February 1979	121	95	26
July 1979	206	167	39
February 1980	64	46	18
July 1980	173	158	15
February 1981—No Examination—Change in Cycle			
July 1981	191	153	38
June 1982	189	162	27
December 1982	74	69	5
June 1983	95	63	32

[FR Doc. 84-18420 Filed 7-10-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 628

[Docket No. 40781-4081]

Bluefish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to implement conservation and management measures as prescribed in the proposed Bluefish Fishery Management Plan (FMP). A bluefish management program is necessary to address the problems that could occur if the commercial fishery in the fishery conservation zone (FCZ) were to expand significantly. The FMP is intended to avert future expansion of the fishery which, if left unchecked, could negatively impact the recreational and traditional commercial fishery, and also to collect management information.

DATE: Comments on the proposed rule must be received on or before August 17, 1984.

ADDRESS: Comments on the proposed rule, the FMP or supporting documents should be sent to Mr. Richard Schaefer, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930-3799. Mark the outside of the envelop "Comments on Bluefish Plan."

Copies of the FMP the final environmental impact statement, and the draft regulatory impact review/ initial regulatory flexibility analysis are available from Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT:
Peter Colosi, Bluefish Management Coordinator, 617–281–3600, ext. 272.

SUPPLEMENTARY INFORMATION:

Background

The FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. A notice of availability for the proposed FMP was published in the Federal Register on June 7, 1984 (49 FR 23668). Copies of the FMP are available from the Council upon request at the address given above. The FMP established management measures for bluefish as follows.

Optimum Yield

Optimum yield is all bluefish harvested in the FCZ off the coasts of the Atlantic States under this FMP. Foreign fishermen may not retain bluefish.

Annual Projections

The Council, in consultation with NMFS, will prepare and submit to NMFS, prior to the beginning of each year, projections of (1) the total bluefish catch; (2) the recreational bluefish catch; (3) the FCZ, non-FCZ and total commercial bluefish catch by area (New England, Mid-Atlantic, and South Atlantic); and (4) the commercial bluefish catch by area using gear other than hook and line, conventional gill nets, traps, haul seines, pound nets, and otter traws (Other Gear) for the upcoming year using the best available data, including the National Recreational Fisheries Statistics Survey and data collected under the FMP.

Allocations

The commercial fishery will be allocated 20 percent (%) of the total projected bluefish catch. That 20% will be allocated 10% to the New England area, 50% to the Mid-Atlantic area, and 40% to the South Atlantic area. The FCZ commercial fishery will be allocated the difference between the projected non-FCZ commercial catch and the percentage of the total projected catch for each area. However, if it is determined that the bluefish catch in the recreational fishery has declined for two consecutive years (i.e., the previous year and the current year) and is projected to decrease further during the upcoming year (i.e., the year for which the projections are being made) for reasons other than a decline in stock abundance based on an analysis of the latest available NMFS stocks assessment report), the FCZ commercial allocation will be the difference between the projected non-FCZ commercial catch and 20% of the total projected catch or the average FCZ commercial bluefish catch for the three previous years, whichever is greater.

The FCZ commercial fishery allocation for each area will be subdivided with 2% for the New England area, 11% for the Mid-Atlantic area, and 9% for the South Atlantic area allocated to vessels using Other Gear (based on the average distribution for 1976–1982). The projections and proposed allocations will be published in the Federal Register with an opportunity for public comment.

The above allocation system represents a change from the hearing draft of the FMP based on comments received. The preferred alternative in the hearing draft was based on a system of allocations directly to vessels using gear other than hook and line, conventional gill nets, traps, haul seines, and pound nets to conduct a directed fishery for bluefish in the FCZ were allowed to harvest bluefish without limit. Another change relates to the types of gear that are identified as having the potential ability to significantly expand the commercial fishery. In the hearing draft, those gear were specified as gear other than hook and line, conventional gill nets, traps, haul seines, and pound nets. In evaluating these gears, pay particular attention to these definitions and how they may affect your fishing operations. In the final FMP, otter trawls, was added to "gear other than hook and line, conventional gill nets, traps, haul seines, and pound nets"

Control Measures

If the projected FCZ commercial catch for any user group/area equals 90% or more of the user group/area allocation, the Regional Director will determine if control measures are necessary to assure that fishing will continue throughout the season for such user group or in such area while not exceeding the user group/area's allocation. Control measures, include, but are not limited to (in priority order), trip limits individual vessel quotas, time limits, or gear limitations. The Regional Director will evalute State regulations when developing control measures so that State and Federal regulations are compatible to the maximum extent possible. Control measures are implemented by regulatory action. The Secretary of Commerce (Secretary) may solicit comments from the public and the Council before implementing the proposed controls. This will include publication in the Federal Register as part of the publication of the projections and allocations.

The control measure provision was not included in the hearing draft because, since the management system in the draft was based on individual vessel allocations, there was no need to provide a mechanism for insuring that an overall quota was not exceeded.

Closure

The Regional Director will monitor the catch of bluefish. The Secretary will close the commercial fishery in the FCZ in any area when 80% of the allowable commercial harvest in the specified area has been caught, if such closure is determined by the Regional Director to be necessary to prevent the allowable commercial harvest from being exceeded. The Secretary will close the commercial fishery in the FCZ in any area for vessels using Other Gear when 80% of the allowable commercial harvest in the specified area for vessels using Other Gear has been caught, if such closure is determined by the Regional Director to be necessary to prevent the allowable commercial harvest for vessels using Other Gear from being exceeded. The closure will be in effect for the remainder of the fishing year. The Secretary will publish a notice in the Federal Register that fishing by fishermen in that area must cease on the closure date. During a period of closure, the bluefish trip limit is 10% by weight of the total amount of fish on board a vessel at the end of a trip. The closure provision was not included in the hearing draft because, since the management system in that draft was based on individual vessel allocations, there was no need to provide a mechanism for insuring that an overall quota was not exceeded.

Data Collection

In order to achieve the objectives of the FMP and to manage the fishery, it is necessary that certain data be collected. At a minimum, NMFS must provide the Council with statistically valid data on (1) bluefish and incidental fish catch, effort, and ex-vessel value for the commercial fishery provided in a form so that analysis can be performed at the trip, water area, gear, month, year, and State levels of aggregation; (2) catch and effort for the recreational fishery provided in a form so that analysis can be performed at the trip, water area, mode (man made, beach and bank, party and charter boat, and private and rental boat) month, year, and State levels of aggregation; (3) the number of anglers that sell bluefish and the amount of bluefish sold by anglers; and (4)

biological samples from both the commercial and recreational fisheries. To assure that the above data are collected, (1) a stratified random sample of the permitted party and charter boats must submit logbooks; (2) the Regional Director may require persons landing bluefish caught with hook and line for sale to submit logbooks if statistically valid data cannot be obtained by other means; and (3) the Regional Director may require commercial bluefish vessels to submit logbooks if statistically valid data cannot be obtained by other means.

The permitting and reporting requirements have been changed from the hearing draft based on revised comments. The hearing draft provided that operators of party and charter boats and persons selling bluefish were required to have permits and submit reports. However, NMFS was allowed to eliminate the reporting requirement as soon as an alternate method of obtaining the required data had been implemented. Vessels were exempt from this requirement if they caught no more than 100 pounds (45.4 kilograms) of bluefish per trip.

Permits

To enhance the collection of data and facilitate operation of the management system, certain vessels fishing for bluefish are required to obtain permits and other bluefish fishermen may be required to obtain permits from the Regional Directors, as follows:

1. Any fishing vessel of the US fishing or intending to fish in the FCZ must have a permit to harvest bluefish for sale. Persons applying for a permit must specify the area (New England, Mid-Atlantic, and South Atlantic) in which fishing for bluefish by the vessel will take place and the gear to be used. Permits issued are valid only for the area specified. Vessels may be permitted in more than one area.

2. All party and charter boats of the US fishing or intending to fish for bluefish in the FCZ must have permits.

3. The Regional Director may require persons fishing or intending to fish in the FCZ on vessels not otherwise required to have a permit under this section to have a permit if they intend to sell bluefish.

All persons applying for a permit must agree that their fishing activity will be bound by the prevailing federal management measures regardless of where fishing operations take place.

The FMP has three specific objectives:

1. Increase understanding of the condition of the stock and fishery.

2. Provide the highest availability of bluefish to US recreational fishermen while maintaining, within limits, traditional uses of bluefish, recognizing some natural stock fluctuations are inevitable.

3. Improve cooperation with the States to enhance the management of bluefish throughout its range.

Objective 1 is a recognition that there is a lack of data necessary for bluefish management and a need to improve the data base for use in future refinements to the FMP

Objective 2 is a recognition of the importance of the recreational fishery as well as an expression of the desire of the Council that, to the extent possible, the historical pattern of the fishery be maintained. This historical pattern relates to the relative catch of the recreational and commercial sectors, the geographical distribution of the fishery, and the relative importance of the various gear types in the commercial fishery. It is recognized that these distributions may vary slightly from year to year. It is also recognized that changes in stock abundance may alter the relationships. However, the basic intent is that the general relationships between user groups and regions not change dramatically. Those relationships are specified in the FMP's allocation's, between sectors (20% of the total catch for the commercial fishery); geographically (10% of the commercial catch allocated to the New England area, 50% of the commercial catch allocated to the Mid-Atlantic area, and 40% of the commercial catch allocated to the South Atlantic area), based on the period 1976 to 1982; and by gear types (2%, 11% and 9% of the New England, Mid-Atlantic, and South Atlantic area FCZ commercial fishery allocation, respectively, allocated to vessels using Other Gear).

Objective 3 is a recognition that effective range-wide management of bluefish will require cooperation between the Councils, the States, and the Federal government.

Objective 1 and 2 were included in the hearing draft. Objective 3 was added to the final FMP as a result of review comments.

A series of public hearings were held throughout the range of the bluefish fishery to obtain comments on the draft FMP Hearings were conducted in Portland, Maine; Portsmouth, New Hampshire; Glouscester and Hyannis, Massachusetts; Galilee, Rhode Island; Bridgeport and Saybrook, Connecticut; Stony Brook, Amityville, and Valley Stream, New York; Cape May, Mt. Laurel, and West Long Branch, New Jersey; Salisbury, Easton, and Annapolis, Maryland; Norfolk, Virginia; Wilmington, Morehead City, and Manteo, North Carolina; Charleston, South Carolina; Brunswick, Georgia; and Stuart, Florida. The Council considered the oral and written coments received and has revised the FMP to reflect these comments. The most significant revision was the replacement of the system of commercial vessel allocations with a quota system for the commercial fishery.

Classification

Section 304(a)(1)(C)(ii) of th Magnuson Act, as amended by Pub. L. 97–453, requires the Secretary to publish regulations proposed by a Council within 30 days of receipt of the FMP and proposed regulations. At this time the Secretary has not determined that the FMP these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

The Council prepared a draft environmental impact statement for this FMP· a notice of notice of availability was published on February 23, 1983 (48 FR 8124).

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act, as amended by Pub. L. 97–453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow procedures of the order.

The NOAA Administrator determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The Council prepared a regulatory impact review which concluded that the rule will have positive net short-term and long-term economic benefits for the fishery. A copy of this review may be obtained from the Council at the address listed above.

As part of the regulatory impact review the Council prepared an initial regulatory flexibility analysis which concludes that this proposed rule, if adopted, would not have a significant effect on small entities. The impacts of the proposed rule do not favor large businesses over small businesses. The only businesses that will be impacted will be those that are causing a rapid expansion in commercial catch. If a rapid expansion is allowed, businesses that support the recreational industry may be negatively impacted. The impacts upon vessels if control

measures are adopted will depend on the type of control measure. At this time, data show bluefish revenues are not a significant portion of the average vessel's gross revenues. When and if control measures are adopted, impacts upon small business will be analyzed as part of their adoption. A copy of this analysis may be obtained from the Council at the address listed above.

This rule contains two collection of information requirements subject to the Paperwork Reduction Act. The recordkeeping and reporting requirement has been approved by the Office of Management and Budget, OMB Control Number 0684–0016. The permit information collection requirement has been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management (CZM) programs of Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, South Carolina, and Florida, and New Hampshire. The Council determined that this rule will not affect Pennsylvania's coastal zone. Delaware, Connecticut, Maine, New York, New Jersey, Pennsylvania, and New Hampshire concurred with the Council's determination. Massachusetts responded describing that State's CZM review process; no further communication was received from Massachusetts relative to CZM consistency. Maryland responded on 15 March 1983 concurring provisionally with the Council's determination until responses from the public hearings had been reviewed; no further communication was received from Maryland relative to CZM consistency. Florida responded that the FMP was not consistent to the maximum extent practicable with the Florida CZM program, since Florida prohibits pound nets, fish traps, and purse seines, and suggested two alternatives to this problem: adopt the Florida law in the FMP or exclude the FCZ adjacent to Florida from the management unit of the FMP The Council considered the Florida comments but made no change to the FMP as a result of them. No responses were received from Rhode Island, Virginia, North Carolina, and South Carolina.

List of Subjects in 50 CFR Part 628

Administrative practice and procedure, Fish, Fisheries, Recordkeeping and reporting requirements.

Dated: July 6, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

For the reasons set out in the preamble, NOAA proposes to amend 50 CFR by adding a new Part 628 to read as follows:

PART 628—BLUEFISH FISHERY

Subpart A—General Provisions

Sec.

628.1 Purpose and scope.
628.2 Definitions.
628.3 Relation to other laws.
628.4 Vessel permits and fees.
628.5 Recordkeeping and reporting requirements.
628.6 Vessel identification.
628.7 General prohibitions.
628.8 Enforcement.
628.9 Penalties.

Subpart B—Management Measures

628.20 Fishing year.
628.21 Allowable levels of harvest.
628.22 Procedures for making annual projections and allocations.
628.23 Closure of the fishery.
628.24 Size restrictions. [Reserved]
628.25 Gear restrictions.
628.26 Time restrictions. [Reserved]

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 628.1 Purpose and scope.

(a) The regulations in this part govern fishing for bluefish by vessels of the United States in the fishery conservation zone off the coast of the Atlantic States and possession of bluefish.

(b) The regulations governing fishing for bluefish by vessels other than vessels of the United States are contained in 50 CFR Part 611 in which bluefish is designated as a prohibited species.

(c) This part implements the Fishery Management Plan for the Bluefish Fishery of the Northwestern Atlantic Ocean.

§ 628.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part shall have the following meanings:

Area of custody means any vessel, building, vehicle, pier, live car, pound, or dock facility where bluefish may be found.

Assistant Administrator means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, or the individual to whom appropriate authority has been delegated.

Authorized officer means—

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any special agent of NMFS;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Secretary of the department under which the U.S. Coast Guard is operating, to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Bluefish means the species *Pomatomus saltatrix.*

Catch, take, or *harvest* includes, but is not limited to, any activity which results in the killing of any bluefish or bringing any bluefish aboard a vessel.

Charter or party boat means any vessel which carries passengers for hire to engage in fishing.

Conventional gill net means a gill net fished generally in a straight line, for example, stake, anchored, and drift gill nets. In addition, encircling gill nets should be considered conventional if they (1) do not exceed 1,200 feet in length and 50 feet in depth; and (2) are fished as a one boat operation; and (3) do not use explosives to drive the fish into the net; and (4) leave an opening of at least ¼ the length of the net.

Fish includes bluefish (*Pomatomus saltatrix*).

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishery Management Plan (FMP) means the Fishery Management Plan for the Bluefish Fishery of the Northwest Atlantic Ocean, and any amendments thereto.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves—

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; and

(d) Any operations at sea in support of, or in preparation for, any activity

described in paragraphs (a), (b), or (c) of this definition.

Fishing trip or *Trip* means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Fishing year means the 12-month period beginning January 1.

Haul seine means a strip of strong netting hung to a cork line at the top and a heavily weighted lead line on the bottom. The method of fishing is to leave one end on shore, pay out the line with a boat until the other end is reached, lay out the net parallel to the beach, and then bring the end of the second hauling line ashore.

Magnuson Act means the Magnuson Fishery Conservation and Management Act as amended (16 U.S.C. 1801 *et seq*).

Mid-Atlantic area means the marine waters (internal waters and Territorial Sea) of the States of New York through Virginia and the FCZ off those States. The dividing line between the Mid-Atlantic and New England areas is the boundary that commences at the intersection at the intersection point of Connecticut, Rhode Island and New York at 41°18'16.249" North latitude and 71°54'28.477" West longitude and proceeds S 37°22'32.75" E (true bearing 142°37'27.25") to the point of intersection with the outward boundary of the FCZ. The dividing line between the Mid-Atlantic and South Atlantic areas is the boundary commencing at the seaward boundary between the States of Virginia and North Carolina, which is a line of constant latitude described as 36°33'00.8" North latitude and proceeds due East to the point of intersection with the outward boundary of the FCZ.

New England area means the marine waters (internal waters and Territorial Sea) of the States of Maine through Connecticut and the FCZ off those States. The dividing line between the New England and Mid-Atlantic areas is the boundary described in the definition of Mid-Atlantic area.

NMFS means the National Marine Fisheries Service.

Operator, with respect to any fishing vessel, means the master or other individual on board and in charge of that vessel.

Other gear means gear other than hook and line, conventional gill nets, traps, haul seines, pound nets, and otter trawls.

Owner, with respect to any fishing vessel, means—

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time or voyage;

(c) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by a person described in paragraphs (a), (b) or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Regional Director means the Regional Director (or designee), Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, MA.

Regulated species means any species for which fishing by a vessel of the United States is regulated under Magnuson Act.

Secretary means the Secretary of Commerce, or designee.

South Atlantic area means the marine waters (internal waters and Territorial Sea) of the States of North Carolina through the east coast of Florida and the FCZ off those States. The dividing line between the Mid-Atlantic and South Atlantic areas is the boundary commencing at the seaward boundary between the States of Virginia and North Carolina, which is a line of constant latitude described as 36°33'.008" North latitude and proceeds due East to the point of intersection with the outward boundary of the FCZ. The southern boundary of the South Atlantic area begins at the intersection of the outer boundary of the FCZ and the eighty-third meridian west of Greenwich (83° W. longitude), proceeds northward along that meridian to 24°35' N. latitude (Dry Tortugas Island), thence eastward along that parallel of latitude through Rebecca Shoal and the Quicksand Shoals to Marquesas Keys, then through the Florida Keys to the mainland at the eastern end of Florida Bay, the line so running that the narrow waters within the Dry Tortugas Island, the Marquesas Keys and the Florida Keys, and between the Florida Keys and mainland, are within the Gulf of Mexico.

U.S.-harvested fish means fish caught, taken, or harvested by U.S. citizens on vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means—

(a) Any vessel documented under the laws of the United States;

(b) Any vessel numbered in accordance with the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and measuring less than five net tons; or

(c) Any vessel numbered under the Federal Boat Safety Act of 1971 (46 U.S.C. 1400 *et seq.*) and used exclusively for pleasure.

§ 628.3 Relation to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) All fishing activity, regardless of species sought, is prohibited under 15 CFR Part 924, on the U.S.S. *Monitor* Marine Sanctuary, which is located off the coast of North Carolina (35°00'23" N. latitude, 75°24'32" W. longitude).

(c) Fishing vessel operators should exercise due care in the conduct of fishing activities near submarine cables. Damage to submarine cables resulting from intentional acts or from the failure to exercise due care in the conduct of fishing operations subjects the fishing vessel operator to the criminal penalties prescribed by the Submarine Cable Act (47 U.S.C. 21) which implements the International Convention for the Protection of Submarine Cables. Fishing vessel operators also should be aware that fishing operations may not be conducted at a distance of less than one nautical mile from a vessel engaged in laying or repairing a submarine cable; or at a distance of less than one-quarter nautical mile from a buoy intended to mark the position of a cable when being laid or when out of order or broken.

§ 628.4 Vessel permits and fees.

(a) *General.* (1) Any fishing vessel of the United States fishing or intending to fish in the FCZ must have a permit to harvest bluefish for sale.

(2) All party and charter boats of the United States fishing or intending to fish for bluefish in the FCZ must have permits.

(3) All persons applying for a permit must agree that their fishing activity will be bound by the prevailing Federal management measures regardless of where fishing operations take place.

(b) *Eligibility.* [Reserved]

(c) *Application.* (1) An application for a permit under this part must be submitted and signed by the owner or operator of the vessel on an appropriate form obtained from the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) Applicant must provide all the following information:

(i) The name, mailing address (including Zip code), and telephone number of the owner of the vessel;

(ii) The name of the vessel;

(iii) The vessel's U.S. Coast Guard documentation number of the vessel's State registration number for vessels not required to be documented under provisions of Title 46 of the United States Code;

(iv) The home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;

(v) The engine horsepower of the vessel and the year the vessel was built;

(vi) The type of construction, type of propulsion, and type of echo sounder of the vessel;

(vii) The permit number of any current or previous Federal fishery permit issued to the vessel;

(viii) The approximate fish hold capacity of the vessel;

(ix) The type and quantity of fishing gear used by the vessel;

(x) The average size of the crew, which may be stated in terms of a normal range;

(xi) Number of passengers the vessel is licensed to carry (party and charter boats);

(xii) Area(s) to be fished and landing port for bluefish; and

(xiii) Any other information concerning vessel characteristics requested by the Regional Director.

(3) Any change in the information specified in paragraph (c)(2) of this section must be submitted by the applicant in writing to the Regional Director within 15 days of the change.

(d) *Fees.* No fee is required for any permit issued under this part.

(e) *Issuance.* Except as provided in Subpart D of 15 CFR Part 904, upon receipt of a completed application, the Regional Director will issue a permit within 30 days. Permits issued are valid only for the area specified. Vessels may be permitted in more than one area.

(f) *Expiration.* A permit will expire upon any change in vessel ownership, registration, name, length, gross tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged.

(g) *Duration.* A permit is valid until it expires or is revoked, suspended, or modified under Subpart D of 15 CFR Part 904.

(h) *Alteration.* No person will alter, erase, or mutilate any permit. Any permit which has been intentionally altered, erased, or mutilated is invalid.

(i) *Replacement.* Replacement permits may be issued by the Regional Director when requested in writing by the owner or operator stating the need for replacement, the name of the vessel, and the fishing permit number assigned. An application for a replacement permit will not be considered a new application.

(j) *Transfer.* Permits issued under this part are not transferable or assignable. A permit will be valid only for the fishing vessel and owner for which it is issued.

(k) *Display.* Any permit issued under this part must be carried aboard the fishing vessel at all times. The operator of a fishing vessel must present the permit for inspection upon request of any authorized officer.

(l) *Sanctions.* Procedures governing permit sanctions and denials are found at Subpart D of 15 CFR Part 904.

§ 628.5 Recordkeeping and reporting requirements.

(a) *Fishing vessel records.* The Regional Director, in consulation with the Council, will develop a stratified random sample of party and charter boats issued permits to conduct fishing operations subject to these regulations designed to provide statistically valid data by area. The owner or operator of any party and charter boat selected in the sample, and, if required by the Regional Director, the owner or operator of any other permitted vessel must—

(1) Maintain aboard the vessel an accurate and complete fishing vessel record containing information on a daily basis for the entirety of any trip during which bluefish or any other regulated species are caught on forms supplied by the Regional Director. The information must include date of fishing, type and size of gear, locality fished, duration of fishing time, time period of tow gear set, estimated weight in pounds (lbs) of bluefish sold, the estimated weight in lbs of each species taken for those operations in which bluefish were taken, and, for party and charter boats and persons landing bluefish caught with hook and line for sale, the number of persons fishing.

(2) To the extent possible, owners or perators must fill out such fishing vessel records before landing any bluefish at the end of any fishing trip. All fishing vessel record information required by paragraph (a)(1) of this section must be filled in for each fishing trip before starting the next fishing trip.

(3) Make the fishing vessel record available for inspection or reproduction by an authorized officer at any time during or after a fishing trip.

(4) Keep each fishing vessel record for one year after the date of the last entry in the fishing vessel records.

(5) The permit of a fishing vessel whose owner or operator falsifies or fails to submit the records and reports prescribed by this section may be revoked, modified, or suspended, in accordance with the provision of 15 CFR Part 904.

(Approved by OMB, Control No. 0648-0016)

(b) *Fish dealers or processor reports.* [Reserved]

§ 628.6 Vessel identification.

(a) *Official number.* Each fishing vessel over 25 feet in length issued a permit under this part to fish for bluefish must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* The official numbers must contrast with the background and be in block Arabic numerals at least 18 inches in height for vessels equal to or over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length. The official number must be permanently affixed to or painted on the vessel. However, charter or party boats may use non-permanent markings to display the official number whenever the vessel is fishing for bluefish.

(c) *Duties of operator.* The operator of each vessel subject to this part must—

(1) Keep the vessel name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, it s rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

§ 628.7 General prohibitions.

It is unlawful for any person to—

(a) Possess, have custody or control of, ship or transport, offer for sale, sell, purchase, import, or export, any bluefish taken, retained, or landed in violation of the Magnuson Act, this part, or any other regulation under the Magnuson Act;

(b) Refuse to allow an authorized officer to board a fishing vessel or to enter an area of custody subject to such person's control, for purposes of conducting any search or inspection in connection with the enforcement of the

Magnuson Act, this part, or any other regulation or permit under the Magnuson Act;

(c) Forcibly assault, resist, oppose, impede, intimidate, or interfere with any authorized officer in the conduct of any inspection or search described in paragraph (b) of this section;

(d) Make any false statement, written or oral, to an authorized officer, concerning the taking, catching, landing, purchase, sale, or transfer of any bluefish.

(e) Resist a lawful arrest for any act prohibited by this part;

(f) Interfere with, delay, or prevent by any means the apprehension or arrest of another person with the knowledge that such other person has committed any act prohibited by this part;

(g) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search conducted in the process of enforcing this part;

(h) Transfer, or attempt to transfer, directly or indirectly, any U.S.-harvested fish to any foreign fishing vessel within the FCZ, unless the foreign vessel has been issued a permit which authorizes the receipt of U.S.-harvested fish of the species being transferred;

(i) Use any vessel for taking, catching, harvesting, or landing of any bluefish unless the vessel has aboard a valid permit as required by § 628.6;

(l) Fail to comply immediately with enforcement and boarding procedures specified § 628.8; and

(m) Violate any other provision of this part, the Magnuson Act, any notice issued under Subpart B of this part, or any other regulation or permit promulgated under the Magnuson Act.

§ 628.8 Enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to this part must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record (where applicable), and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Communications.* (1) Upon being approached by a U.S. Coast Guard vessel or aircraft, or other vessel or aircraft with an authorized officer aboard, the operator of a fishing vessel must be alert for communications conveying enforcement instructions.

(2) If the size of the vessel and the wind, sea, and visibility conditions allow, loudhailer is the preferred method of communicating between vessels. If use of a loudhailer is not practicable, and for communications with an aircraft, VHF-FM or high frequency radiotelephone will be employed. Hand signals, placards, or voice may be employed by an authorized officer and message blocks may be dropped from an aircraft.

(3) If other communications are not practicable, visual signals may be transmitted by flashing light directed at the vessel signaled. Coast Guard units will normally use the flashing light signal "L" as the signal to stop.

(4) Failure of a vessel's operator to stop his vessel when directed to do so by an authorized officer using loudhailer, radiotelephone, flashing light signal, or other means constitutes *prima facie* evidence of the offense of refusal to permit an authorized officer to board.

(5) The operator of a vessel who does not understand a signal from an enforcement unit and who is unable to obtain clarification by loudhailer or radiotelephone must consider the signal to be a command to stop the vessel instantly.

(c) *Boarding.* The operator of a vessel directed to stop must—

(1) Guard Channel 16, VHF-FM if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to allow the authorized officer and his party to come aboard;

(3) Except for those vessels with a freeboard of four feet or less, provide a safe ladder, if needed, for the authorized officer and his party to come aboard;

(4) When necessary to facilitate the boarding or when requested by an authorized officer, provide a man rope or safety line, and illumination for the ladder; and

(5) Take such other actions as necessary to facilitate boarding and to ensure the safety of the authorized officer and the boarding party.

(d) *Signals.* The following signals, extracted from the International Code of Signals, may be sent by flashing light by an enforcement unit when conditions do not allow communication by loudhailer or radiotelephone. Knowledge of these signals by vessel operators is not required. However, knowledge of these signals and appropriate action by a vessel operator may preclude the necessity of sending the signal "L"and necessity for the vessel to stop instantly.

(1) "AA" repeated. (dit dah, dit dah) [1 2] is the call to an unknown station. The operator of the signaled vessel should respond by identifying the vessel by radiotelephone or by illuminating the vessel's identification.

(2) "RY-CY" (dit dah dit, dah dit dah dah dah dit dah dit, dah dit dah dah) means "you should proceed at slow speed, a boat is coming to you." This signal is normally employed when conditions allow an enforcement boarding without the necessity of the vessel being boarded coming to a complete stop, or, in some cases, without retrieval of fishing gear which may be in the water.

(3) "SQ3" (dit dit dit, dah dah dit dah, dit dit dit dah dah) means "you should stop or heave to: I am going to board you.

(4) "L" (dit dah dit dit) means "you should stop your vessel instantly."

§ 628.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provision prescribed in the Magnuson Act, and to 50 CFR Part 620 (Citations) and Part 621 (Civil Procedures).

Subpart B—Management Measures

§ 628.20 Fishing year.

The fishing year for bluefish is the 12-month period beginning on January 1 and ending on December 31.

§ 628.21 Allowable levels of harvest.

(a) *Optimum yield.* OY will be all bluefish harvested outside the Gulf of Mexico pursuant to the FMP

(b) *Annual projections.* Projections will be made on an annual basis in accordance with procedures under § 628.22 for:

(1) Total domestic annual harvest (DAH);

(2) Recreational harvest;

(3) FCZ, non-FCZ and total commercial harvest by area as defined in §628.21(c); and

(4) Commercial harvest by area as defined in § 628.21(c), for other gear.

(c) *Recreational and commercial allocations.* The projected amounts determined under § 628.21(b)(1)–(4), will be allocated as follows:

(1) The recreational fishery will be allocated 80% of the total projected DAH.

(2) The commercial fishery will be allocated 20% of the total projected DAH, which will be further subdivided by area at levels of,

(i) 10% of the New England area;

(ii) 50% of the Mid-Atlantic area; and

(iii) 40% to the South Atlantic area.

(3) The FCZ commercial fishery allocation for the respective areas will be the remainder of the total commercial DAH allocated to the area, less the projected non-FCZ commercial fishery.

[1] Dit means a short flash of light.

[2] Dah means a long flash of light.

Except that, when there is a decline in recreational catch for two consecutive years, i.e., the previous year and the current year, and a projected decline for the upcoming year, for reasons other than a decline in stock abundance, the FCZ commercial allocation will be the greater of the above, or the average of the FCZ commercial bluefish catch for the three immediately preceding fishing years.

(4) An allocation for other gear will be made from the FCZ commercial fishery allocations in the amounts of 20% for the New England area, 11% for the Mid-Atlantic area and 9% for the South Atlantic area.

(d) *Other measures.* If the projected FCZ commercial catch for any area equals 90% or more of the area's allocation, the Regional Director will determine if control measures are necessary to assure that fishing will continue throughout the season in such area while not exceeding the area's allocation. In addition, if the projected FCZ commercial catch by vessels using other gear for any area equals 90% or more of the area's allocation for that user group, the Regional Director will determine if control measures are necessary to assure that fishing will continue throughout the season in such area by that user group while not exceeding the area's allocation for that user group. Control measures include, but are not limited to (in priority order) trip limits, individual vessel quotas, time limits, and/or gear limitations. The Regional Director will evaluate State regulations when developing control measures so that State and Federal regulations are compatible to the maximum extent possible. Control measures will be implemented by amending these regulations.

§ 628.22 Procedures for making annual projections and allocations.

(a) On or about August 15 of each year, the Council, in consultation with the Regional Director, will prepare and submit to NMFS, recommended bluefish catch projections for the upcoming year, based on information specified in § 628.21(b). In the absence of Council recommendations, the Secretary will develop catch projections and allocations on his own initiative.

(b) By September 15 each year, the Secretary will publish a notice in the Federal Register that specifies proposed catch projections and area and user allocations for the upcoming fishing year. The Federal Register notice will provide for a 30 day comment period.

(c) On or about December 1 of each year, the Secretary will make final and publish a notice in the Federal Register of projections and allocations for the upcoming fishing year and respond to public comments.

(d) Sources used as a reference in development of annual projects and allocations include:

(1) Catch statistics and other information gathered under authority of this FMP § 628.5;

(2) Historical data on the bluefish fishery;

(3) Annual stock assessments; and

(4) Relevant scientific information including the National Recreational Fisheries Statistics Survey.

§ 628.23 Closure of the fishery.

(a) *General.* The Secretary will close the commercial fishery in the FCZ in any area when 80% of the allowable commercial harvest in the FCZ in that area (see § 628.21(b)(1) has been caught, if such closure is necessary to prevent the allowable commercial harvest in the FCZ in that area from being exceeded. The Secretary will close the commercial fishery in the FCZ in any area for vessels using other gear when 80% of the allowable commercial harvest in the FCZ in that area for vessels using other gear (see § 628.21(b)(2)) has been caught, if such closure is necessary to prevent the allowable commercial harvest in the FCZ in that area for vessels using other gear from being exceeded. The closure will be in effect for the remainder of the fishing year.

(b) *Notice.* If the Regional Director determines that a closure is necessary, he will—

(1) Notify in advance the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils and responsible State fishery officials;

(2) Mail notifications of the closure to all holders of permits issued under § 628.4 at least 72 hours before the effective date of the closure; and

(3) Publish a notice of closure in the Federal Register.

(c) *Incidental catches.* During a period of closure, the bluefish trip limit is 10% by weight of the total amount of fish aboard a vessel.

§ 628.24 Size restrictions. [Reserved]

§ 628.25 Gear restrictions.

Non-conventional gill nets as defined in § 628.2 are prohibited.

§ 628.26 Time restrictions. [Reserved]

[FR Doc. 84-18350 Filed 7-6-84; 4:32 pm]
BILLING CODE 3510-22-M

50 CFR Part 663

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of consideration of application for experimental fishing permit for Pacific groundfish and request for comment.

SUMMARY: This notice acknowledges receipt of an experimental fishing permit application and announces a public comment period. The applicant proposes to harvest groundfish with legal trawl gear to compare the fishing efficiency of different mesh sizes. In order to make the results meaningful, landing limits and trip frequency restrictions need to be waived for the duration of the experiment. Thus, if granted, the experimental fishing permit would allow fishing which otherwise would be prohibited by Federal regulation.

DATE: Comments on this application must be received by July 23, 1984.

ADDRESSES: Copies of the experimental fishing permit application are available from, and relevant comments may be submitted to, Dr. T. E. Kruse, Acting Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; or Mr. E. C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: T. E. Kruse, 206-527-6150.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) and implementing regulations (47 FR 43964 October 5, 1982) specify that experimental fishing permits (EFPs) may be issued to authorize fishing that otherwise would be prohibited. The procedures for issuing EFPs are found at 50 CFR 663.10.

Interest in the effects that larger trawl mesh sizes could have on the groundfish trawl fishery has been expressed by the Pacific Fishery Management Council (Council), particularly in its deliberations on management of overexploited rockfish stocks. A study comparing trawl mesh sizes was discussed at the April 11-12, 1984, Council meeting in San Francisco, California, and at various meetings of the Groundfish Management Team. In response to this interest, a short-term study on mesh sizes was proposed by Natural Resources Consultants and was discussed on May 3, 1984, by the Council's *ad hoc* committee on trawl

mesh sizes. Subsequently, Natural Resources Consultants submitted an application for an experimental fishing permit.

The application states that use of larger mesh size is not likely to replace trip poundage and frequency limits as presently used to manage rockfish fisheries off Washington, Oregon, and California, but that it may provide the means of lessening the severity of these trip restrictions, and reduce the harvest of undersized pre-spawners and waste associated with large catches from dense schools. All data gathered would be available to the Council for use in long-term studies.

The applicant proposes to use three trawl mesh sizes (3-inch, 5-inch, and 6-inch mesh) on two trawl types (midwater and bottom trawls) in order to evaluate (1) the size distribution of widow rockfish and dominant species in the *Sebastes* complex of rockfish retained by each mesh size; (2) waste due to retention of unmarketable small fish; (3) maturity of retained fish; and (4) the extent and location of gilling and time required to clean the trawl. As much as six vessel-weeks (three weeks each by two vessels) between August 15 and September 30, 1984, is requested, with one vessel operating in the Vancouver-Columbia area (43°00' N. latitude to the U.S.-Canada border) and the other operating in the Columbia-Eureka area (between 47°30' and 40°30' N. latitude). The *Sebastes* complex of rockfish and widow rockfish is the target species, but some data may be gathered on Pacific ocean perch. These species are fully utilized and landings currently are restricted by trip limits. No more than 300,000 pounds would be retained in excess of the trip limits in effect at the time of the experiment.

Legal gear would be used at all times. However, in order to obtain adequate data in this short time period, trip size and frequency limits on the *Sebastes* complex, widow rockfish, and Pacific ocean perch would be waived when experimental fishing is conducted. These regulations currently appear at 49 FR 19825, May 10, 1984, for widow rockfish and the *Sebastes* complex and at 47 FR 43964, October 5, 1982, for Pacific ocean perch, and may be modified or superceded by the time the proposed experimental fishing could occur. All other regulations would remain in effect.

This experiment would be financed by the sale of fish caught in excess of the trip limits during the study. Proceeds would be held in trust by the Pacific Marine Fisheries Commission, which would reimburse the applicant for documented costs. The applicant would not receive more than $60,000, $20,000 for each of the two vessels involved and $20,000 for Natural Resources Consultants, not to exceed actual costs.

This application will be discussed at the Council's July 11–12, 1984, meeting in San Diego, California. Public comment also is welcome at that time.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

Dated: July 6, 1984.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 84-18347 Filed 7-6-84; 4:20 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 49, No. 134
Wednesday, July 11, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Wells Rural Electric Co. and Raft River Electric Co-op, Inc., Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA Environmental Policies and Procedures, 7 CFR Part 1794 (49 FR 9544–9558 dated March 13, 1984), has made a Finding of No Significant Impact (FONSI) in connection with a project proposed by Wells Rural Electric Company (Wells) and Raft River Electric Cooperative, Inc. (Raft River). The project consists of the construction of a 138 kV transmission line and associated facilities between Grouse Creek, Utah and Wendover, Nevada. The facilities would be located in Box Elder County, Utah and Elko County, Nevada.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and the Bureau of Land Management's (BLM) Environmental Assessment Report (EAR) may be reviewed at or obtained from Mr. William E. Davis, Director, Western Area–Electric, Rural Electrification Administration, Room 0207 South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382–8848; Wells Rural Electric Company, P.O. Box 365, Wells, Nevada 39835, telephone: (702) 752–3328; or Raft River Electric Cooperative, Inc., P.O. Box 617 Malta, Idaho 83342, telephone: (208) 645–2211, during regular business hours.

SUPPLEMENTARY INFORMATION: BLM has prepared an EAR for the proposed facilities. REA has reviewed the BLM EAR submitted by Wells and Raft River and has determined that it represents an accurate assessment of the environmental impact of the proposed project. The proposed project would consist of approximately 128 km (80 miles) of 138 kV transmission line which would extend from Raft River's Grouse Creek Substation to Wells' West Wendover Substation. REA may provide financing assistance to Wells and Raft River for the project.

The EAR adequately considered potential impacts of the proposed project to resources including threatened and endangered species, important farmlands, cultural resources, floodplains and wetlands.

Alternatives examined included no action, underground construction, energy conservation, alternative routes and alternative substation sites. The proposed route would begin at Raft River's Grouse Creek Substation located in Box Elder County, Utah and generally extend in a southerly direction along the east side of Grouse Creek Valley in Utah. The line would cross the Nevada-Utah state line near Tacoma, Nevada and then continue south along the east side of Pilot Valley to Wells' West Wendover Substation in Elko County, Nevada. Several route alternatives were also evaluated in Grouse Creek Valley and Pilot Valley. After reviewing these project and route alternatives, REA determined that the proposed project is an acceptable alternative because it meets the participants' needs with a minimum of adverse impact.

Based upon the EAR and other related data, REA prepared an EA and Finding of No Significant Impact concerning the proposed construction. REA has independently evaluated the proposed project and has concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the human environment.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850–Rural Electrification Loans and Loan Guarantees.

Dated: July 5, 1984.

Harold V. Hunter,

Administrator.

[FR Doc. 84-18648 Filed 7-10-84; 8:45 am]
BILLING CODE 3410-15-M

Forms Under Review by Office of Management and Budget

July 6, 1984.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, D.C. 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Federal Crop Insurance Corporation
Claim for Raisin Indemnity
FCIC–63
Recordkeeping, on Occasion
Individuals or Households, Farms: 194 responses; 194 hours; not applicable under 3504(h)
Peter Cole (202) 447–3325

- Federal Crop Insurance Corporation

Crop Insurance Acreage Report (Selected Crops)
FCI–19
Recordkeeping, Annually
Individuals or Households, Farms: 594,704 responses; 594,704 hours; not applicable under 3504(h)
Peter Cole (202) 447–3325

• Agricultural Marketing Service
Food Facility Survey
MRD–1, MRD–2
On Occasion
Businesses: 625 responses; 375 hours; not applicable under 3504(h)
R. K. Overheim (301) 344–2805

Revised

• Agricultural Marketing Service
M.O. 930—Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, Maryland
On Occasion, Annually, Every Three Years, Recordkeeping
Farms, Businesses: 1,187 responses; 1,479 hours; not applicable under 3504(H)
W.J. Doyle (202) 447–5975

• Agricultural Marketing Service
Fruit and Vegetable Market News Reports
FV 29, 100, 100–1, 372, 498–1, 498–2
Daily, Weekly, Monthly
Farms, Businesses: 16,626 responses; 2,715 hours; not applicable under 3504(h)
David M. Vaughn (202) 447–2175

Jane A. Benoit,
Acting Department Clearance Officer.

[FR Doc. 84–18339 Filed 7–10–84; 8:45 am]
BILLING CODE 3410–01–M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.
Date: July 26 and 27 1984.
Time: 9:00 a.m. each day.
Place: State Department Building, Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Charles M. Kupperman, Executive Director of the General Advisory Committee, Room 5927 U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone (202) 632–5176.
Purpose of Advisory Committee: To advise the Director of the U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.
Agenda: Will include the following discussions and presentations:

July 26—A.M. and P.M., Compliance
July 27—A.M., Compliance

Reason for closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.
Authority to close meeting: The closing of this meeting is in accordance with a determination by the Director of the U.S. Arms Control and Disarmament Agency dated June 14, 1984, made pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act as amended.

William J. Montgomery,
Administrative Director.

[FR Doc. 84–17749 Filed 7–9–84; 8:45 am]
BILLING CODE 6820–32–M

CIVIL AERONAUTICS BOARD

[Order 84–7–14; Docket 42332]

Order Instituting Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting investigation: Order 84–7–14, Docket 42332.

SUMMARY: The Board is instituting the *Tampa-Yucatan Service Case* to select primary and back-up carriers to provide scheduled service between Tampa, Florida, and Cancun, Cozumel, and Merida, Mexico (U.S. Route D.10 of the U.S.-Mexico Air Transport Services Agreement). The complete text of Order 84–7–14 is available as noted below.

DATES: Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested persons, and petitions for reconsideration shall be filed by July 30, 1984. Answers shall be filed by August 9, 1984.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 42332, *Tampa-Yucatan Service Case.*

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–5203.

SUPPLEMENTARY INFORMATION: The complete text of Order 84–7–14 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84–7–14 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 5, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84–18354 Filed 7–10–84; 8:45 am]
BILLING CODE 6320–01–M

[Order 84–7–2; Docket 42107]

Fitness Investigation of Pacific Interstate Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting the *Pacific Interstate Airlines Fitness Investigation,* Order 84–7–2, Docket 42107

SUMMARY: The Board is instituting an investigation to determine the fitness of Pacific Interstate Airlines to engage in interstate and overseas scheduled air transportation.

DATE: Persons wishing to intervene or proposing to request additional evidence in the *Pacific Interstate Airlines Fitness Investigation* shall file their petitions in Docket 42107 by July 16, 1984.

ADDRESS: Petitions to intervene and requests for additional evidence should be filed in Docket 42107 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: John F Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673–5340.

SUPPLEMENTARY INFORMATION: The complete text Order 84–7–2 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C, 20428. Persons outside the metropolitan area may send a postcard request for Order 84–7–2 to that address.

By the Bureau of Domestic Aviation: July 2, 1984.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84–18353 Filed 7–10–84; 8:45 am]
BILLING CODE 6320–01–M

[Docket 42327]

Air National Aircraft Sales & Service, Inc., Continuing Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A.

Kane, Jr. Future communications should be addressed to him.

Dated: Washington, D.C., July 6, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-18356 Filed 7-10-84; 8:45 am]

BILLING CODE 6320-01-M

[Order 84-7-12; Docket 42327]

Continuing Fitness of Air National Aircraft Sales & Service, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting the *Air National Continuing Fitness Investigation,* Order 84-7-12, Docket 42327

SUMMARY: The Board is instituting an investigation to determine the continuing fitness of Air National Aircraft Sales & Service, Inc. to hold a certificate to operate interstate and overseas scheduled air transportation and domestic and foreign charter air transportation.

DATE: Persons wishing to intervene and/or proposing to request additional evidence in the *Air National Continuing Fitness Investigation* shall file their petitions in Docket 42327 by July 16, 1984.

ADDRESS: Requests for additional evidence and requests to intervene should be filed in Docket 42327 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 84-7-12 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 84-7-12 to that address.

By the Civil Aeronautics Board: July 3, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-18355 Filed 7-10-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; Massachusetts General Hospital, et al.

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-175 Applicant: Massachusetts General Hospital, Boston, MA 02114. Instrument: Electron Microscope, Model JEM-1200 EX with Accessories, Manufacturer: JOEL, Japan. Intended use: See notice at 49 FR 20349. Application received by Commissioner of Customs: April 12, 1984.

Docket No. 84-177. Applicant: University of Rochester, Rochester, NY 14642. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 49 FR 20349. Application received by Commissioner of Customs: April 12, 1984.

Docket No. 84-178. Applicant: University of North Carolina, Chapel Hill, Chapel Hill, NC 27514. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 49 FR 20350. Instrument ordered: April 3, 1984.

Docket No. 84-179. Applicant: Thomas Jefferson University Hospital, Philadelphia, PA 19107 Instrument: Electron Microscope, Model JEM-100 CX with Accessories. Manufacturer: JEOL, Ltd., Japan. Intended use: See notice at 49 FR 21094. Instrument ordered: March 9, 1984.

Docket No. 84-180. Applicant: Oregon Graduate Center, Beaverton, OR 97006. Instrument: Electron Microscope, Model H-800-1 with Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use: See notice at 49 FR 21094. Application received by Commissioner of Customs: April 12, 1984.

Docket No. 84-187 Applicant: Virginia Polytechnic Institute & State University, Blacksburg, VA 24061. Instrument: Electron microscope, Model EM 420T with Accessories. Manufacturer: N.V Philips, The Netherlands. Intended use: See notice at 49 FR 20351. Instrument ordered: December 29, 1983.

Docket No. 84-188. Applicant: University of Maryland, Baltimore, MD 21201. Instrument: Electron microscope, Model EM 410LS with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use: See notice at 49 FR 22677. Instrument ordered: February 27 1984.

Docket No. 84-189. Applicant: DHHS, Centers for Disease Control, Ft. Collins, CO 80522. Instrument: Electron Microscope, Model EM 410LS. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use: See notice at 49 FR 20315. Instrument ordered: March 28, 1934.

Comments: None received.

Decisions: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or of any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-18223 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

For Duty-Free Entry of Scientific Instruments; Geological Survey, et al.

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applicants may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-191. Applicant: U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 205A, Reston, VA 22092. Instrument: Deep-Towed Seismic Profiling System. Manufacturer: Huntec (70) Limited, Canada. Intended use: Investigation of the detailed structure and properties of the upper 300 feet of sediment located in lagoon and continental shelf areas. Reflectivity coefficients will be used to determine the material comprising the surface layers of the sediment. Sonic records will be used to determine the structure of sediments down to about 300 feet below the surface layer. The data will be combined to create a data base from which topographical features, buried structures, and surface material composition can be used to determine geologic processes occurring in the study area. Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-212. Applicant: State University of New York, Optometric Center of NY/State College of Optometry, 100 East 24th Street, New York, NY 10010. Instrument: Joyce Display and GRSYS 2 Microprocessor Grating Generator. Manufacturer: Joyce Electronics, Ltd., United Kingdom. Intended use: Study human ability to detect and discriminate visual patterns composed of sinusodial gratings, checkerboard patterns, vernier lines and dots, all of which can be rotated, spatially localized to a small patch or ring, and repositioned at different locations of the scope. Specific research projects will include:

(1) Testing pre-surgical cataract patients with a new hyperacuity test to assess probable success of post-surgical function.

(2) Test and develop pattern ERG electrodes in order to develop a better electrode.

(3) Clinical research in patients with central serious choroidopathy, diabetic retinopathy, optic nerve disease, macula degeneration, etc.

Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-214. Applicant: University of Wisconsin-Madison, Department of Botany, 1300 University Avenue, Madison, WI 53706. Instrument: Electron Microscope, Model H-600 with Accessories. Manufacturer: Hitachi Limited, Japan. Intended use: Faculty, post doctoral and graduate students will use the instrument in ultrastructural studies related to the botanical sciences, specifically, the following research endeavors: (1) Ultrastructural investigations of cellular specialization in legume root modules; (2) examination of the molecular properties and biogenesis of the plant pigment and light-sensor phytochrome; (3) investigation of the role of the chloroplast envelope membranes in chloroplast biogenesis; and (4) employment of an immunocyto-chemical approach to the question of the glyoxysome-peroxisome transition in the cotyledons of germinating fatty seedlings. The general objectives of these studies are to collect ultrastructural information about the various plant preparations in order to enable the investigators to complete their various research projects. Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-216. Applicant: University of Texas Health Science Center at Houston, 6431 Fannin Street, Houston, TX 77030. Instrument: Electron Microscope, Model JEM-1200 EX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use: Study of the composition and structure of vertebrate or invertebrate tissues generally obtained from experimental animals and of bacteria, or isolated cell organelles. Research projects are of a diverse nature addressed at understanding altered physiological or disease states ranging from acute renal failure to infections, or to the effects of anesthetic agents on cells. Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-218. Applicant: University of Florida, Florida State Museum/Anthropology Department, Museum Road, Gainesville, FL 32611. Instrument: Electromagnetic Survey Conductor, Model EM-31 with Analog Recorder. Manufacturer: Geonics, Canada. Intended use: Archeologic survey in continuation of a research project attempting to locate Columbus' first settlement in the New World, La Navidad, in Haiti. The research strategy to date has included topographic mapping of the site, controlled surface collection of cultural materials, aerial photography and a metal detector survey. Educational purposes: Archeological research by doctoral students in the course: ANT 7980—Research for Doctoral Dissertation. Application Received by Commissioner of Customs: June 6, 1984.

Docket No. 84-219. Applicant: University of Texas Medical School at Houston, 6431 Fannin Street, Houston, TX 77030. Instrument: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL, Japan. Intended use: Research to be carried out on a number of animal tissue. For example:

1. Relationship of structure and function in normal and diseased kidneys will be studied in ultrastructural examination of rat kidney in acute renal failure and the position and ultrastructure of thin and ascending thick limbs of Henle in kidney tissue.

2. Localization of T. Pallidum in the skin of normal and immune rabbit will be studied to determine the fate of the organism in such animals.

3. Ultrastructural autoradiography of proliferating cells in the livers of rat following carcinogen exposure will be studied.

4. Evaluation of the surface mucus cell cytology with particular emphasis on morphology of tight junctions and the role of prostaglandins in preventing ulceration of mucosa following exposure to necrotizing agents.

Educational purposes: Formal training of pathology residents in use of the transmission electron microscope in order or enable them to assist staff pathologist in patient ultrastructural studies. In addition, the microscope will be available to graduate students from the Graduate School of Biomedical Sciences. Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-222. Applicant: North Carolina State University, P.O. Box 8208, Raleigh, NC 27695-8208. Instrument: Automatic inlet ports (12) & Test Kit for Mass Spectrometer. Manufacturer: Finnigan MAT, West Germany, Intended use: The instruments are accessories to an existing mass spectrometer being used for studies of marine sediments and sedimentary rocks in the following areas: (1) Paleoceanography history, (2) Diagenetic effects—inorganic and organic, (3) Bioturbation and mixing studies and (4) Stratigraphy. To accomplish these studies marine carbonates, carbonate micro-fossils, sedimentary organic carbon, sedimentary organic nitrogen, sedimentary sulfur, and sedimentary sulfides and pyrite are analyzed isotopically. Application received by Commissioner of Customs: June 6, 1984.

Docket No. 84-224. Applicant: University of California, San Diego, Scripps Institution of Oceanography, Mail Code A-033c, La Jolla, CA 92093. Instrument: Cryogenic Magnetometer, Model DRM-430C. Manufacturer: CTF Systems, Incorporated, Canada. Intended use: research in the general field of Paleomagnetism. Oriented rock samples are taken at sea or in the field (either by coring of the ocean floor, or as hand samples from outcrops on Land) and the magnetization is measured in a paleomagnetics laboratory. The objectives of the research to be conducted are:

A. To calibrate the evolutionary events recorded in the fossil record using the technique of paleomagnetism.

B. To continue the ground-breaking research on the history of the Earth's magnetic field as recorded in deep-sea sediments.

C. To examine the details of how rocks are magnetized—fundamental to the field of paleomagnetism.

Application received by Commissioner of Customs: June 6, 1984.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-18299 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-404]

Initiation of a Countervailing Duty Investigation; Oil Country Tubular Goods from Argentina

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Argentina of oil country tubular goods as described in the "Scope of the Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before September 6, 1984.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Petition

On June 13, 1984, we received a petition from the Lone Star Steel Company of Dallas, Texas, and the CF&I Steel Corporation, of Pueblo, Colorado, on behalf of the oil country tubular goods industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Argentina of oil country tubular goods receive, directly or indirectly, benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Argentina is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the merchandise under investigation is dutiable. Therefore, section 303 of the Act applies to this investigation. Under this section, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of the Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on oil country tubular goods, and we have found that the petition meets those requirements. Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Argentina of oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by September 6, 1984.

Scope of the Investigation

The products covered by this investigation are *"oil country tubular goods"* (OCTG), which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These include oil well casing, tubing, and drill pipe or carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API specifications (such as proprietary), as currently provided for in the *Tariff Schedules of the United States, Annotated (TSUSA)* under items 610.3216, 610.3219, 610.3233, 610.3249, 610.3252, 610.3256, 610.3258, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4957 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are in both finished or unfinished condition.

Allegations of Bounties or Grants

The petition lists a number of practices by the government of Argentina which allegedly confer bounties or grants on manufacturers, producers, or exporters in Argentina of oil country tubular goods. We will initiate a countervailing duty investigation on the following allegations.

- Post-Financing of Exports Under Circular OPRAC 1-9.
- Government Loan Guarantees.
- Preferential Medium- and Long-Term Loans Under Law 22.510 and Under Decrees 989/81 and 189/83.
- Capital Tax Exemptions Under Decrees 5038/61 and 548/81.
- Preferential Exemptions from Import Duties on Raw Materials.
- Subsidized Raw Material Inputs Under Decree 619.
- Government Trade Promotion Programs.
- Pre-Financing of Exports Under Circular OPRAC 1-1.
- Excessive Tax Rebates on Exports Under the Reembolso Program.
- Additional Reembolso for Exports from Southern Argentine Ports.
- Exemption from Stamp Tax Under Decree 186/76.
- Preferential Exchange Rates for Steel Industry Imports.
- Benefits Under the "Argentine Steel Industry Development Contribution Fund"
- Price Premiums on Argentine Government Purchases of Argentine-Produced Steel.

We will not initiate a countervailing duty investigation on the following allegations at this time.

- Government Equity Infusions.

Petitioners allege that the Argentine OCTG industry receives government equity infusions which are inconsistent with commercial considerations; however, petitioners have provided no evidence that the government of Argentina has made equity infusions in any of the Argentine OCTG companies identified in the petition.

- Preferential Exemptions from Import Duties on Capital Goods.

Petitioners allege tha the Argentine OCTG industry receives preferential exemptions from import duties on capital goods. In our final affirmative countervailing duty determination on cold-rolled carbon steel flat-rolled products from Argentina, published on April 26, 1984 (49 FR 18006), we found that import duty exemptions on capital goods were not countervailable because such exemptions were not limited to a specific industry or group of industries.

• Financial Grants from the Government of Argentina.

Petitioners allege tha the Argentine OCTG industry benefits from cash grants given by the government of Argentina; however, petitioners have not provided any evidence that the Argentine OCTG industry has received such grants.

• Subsidized Steel Inputs.

Petitioners allege that the Argentine OCTG industry uses carbon steel and alloy steel inputs, such as hot-rolled coil, blooms, and billets, that the Department has previously found to be subsidized. Petitioners claim that these subsidies are, directly or indirectly, passed on to Argentine OCTG producers.

With respect to subsidized steel inputs, the Department has stated on several occasions that benefits bestowed upon the manufacturer of an input do not necessarily flow down to the purchaser of that input. When sales transactions are made at arm's length, the Department takes economic considerations into account to determine whether a benefit received by a seller is passed on to the purchaser [see, *e.g., Welded Carbon Steel Pipes and Tubes from Brazil,* 47 FR 44814 (1982); 47 FR 57551 (1982)].

The petition does not allege, nor does it provide any evidence, that the Argentine manufacturers of oil-country tubular goods are related to Argentine producers of hot-rolled coil, blooms, and billets, or that transactions between these parties are conducted on other than an arm's-length basis.

Dated: July 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18329 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-403]

Initiation of a Countervailing Duty Investigation: Oil Country Tubular Goods From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Brazil of oil country tubular goods as described in the "Scope of the Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise materially injure, or threaten material injury to, a U.S. Industry. If our investigation proceeds normally, the ITC will make its preliminary determination on or before July 30, 1984, and we will make ours on or before September 6, 1984.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Alain Letort, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington. D.C. 20230; telephone (202) 377-5050.

SUPPLEMENTARY INFORMATION:

Petition

On June 13, 1984, we received a petition from the Lone Star Steel Company of Dallas, Texas, and the CF&I Steel Corporation, of Pueblo, Colorado, on behalf of the oil country tubular goods industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Brazil of oil country tubular goods receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry. Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, Title VII of the Act applies to these investigations and injury determinations are required.

Initiation of the Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on oil country tubular goods, and we have found that the petition meets those requirements. Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Brazil of oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination by September 6, 1984.

Scope of the Investigation

The products covered by this investigation are "*oil country tubular goods*" (OCTG), which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These include oil well casing, tubing, and drill pipe of carbon or allow steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API sepcifications (such as proprietary), as currently provided for in the *Tariff Schedules of the United States, Annotated (TSUSA)* under items 610.3216, 610.3219, 610.3233, 610.3249, 610.3252, 610.3256, 610.3258, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4957, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are in both finished or unfinished condition.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in Brazil of oil country tubular goods receive benefits which constitute subsidies. We are initiating on the following allegations:

• Industrialized Products Tax (IPI) Export Credit Premium.

• Preferential Working Capital Financing for Exports (Resolutions 674 & 882).

• Government Guarantees on Long-term Loans.

• Exemption of IPI Tax and Customs Duties on Imported Equipment.

• Export Financing Under the CIC-CREGE 14-11 Circular.

• Funding for Expansion Through IPI Tax Rebates.

• Export Profits Exemption from Corporate Income Tax.

• Accelerated Depreciation for Equipment.

• Resolution 330 of the Banco Central do Brasil.

• The BEFIEX Program.

• Resolution 68 (FINEX) Financing.

• The CIEX Program.

• Local Tax Incentives.

• Apôio à Exportaçao (PROEX).

• Incentives for Trading Companies.

• Construction of a Port for the Steel Industry.

We have determined not to be initiate on the following allegations:

• In our final determinations on certain carbon steel products from Brazil, dated April 26, 1984 (49 FR 17988), we determined that BNDES financing did not confer subsidies on the

companies investigated during the 1982 period of review, because such financing was generally available. Because we have no evidence that the steel industry was specifically targeted for the provision of BNDES financing, and the petition presents no new evidence or changed circumstances with respect to this program, we will not examine it again at this time.

• With respect to government provision of equity capital, the petition provides no evidence that the government of Brazil has made equity infusions into producers of oil country tubular goods. Moreover, nothing on the record of previous countervailing duty investigations against various Brazilian steel products indicates that the three Brazilian OCTG exporters to the United States have received government equity infusions. Indeed, two of these companies, Confab Industrial S.A. and Persico-Pizzamiglio S.A., are private, closely held companies the majority of whose stock is owned by a single family, with the balance of the stock being publicly traded on Brazilian securities markets. The third, Mannesmann S.A., is a wholly owned subsidiary of a large West German multinational company. Neither the annual reports of SIDERBRAS nor those of these three producers make any mention of government equity infusions into the Brazilian OCTG industry. Therefore, we will not examine government equity infusions into the Brazilian OCTG industry at this time.

• With respect to subsidized steel inputs, the Department has stated on several occasions that benefits bestowed upon the manufacture of an input do not necessarily flow down to the purchaser of that input. When sales transactions are made at arm's length, the Department takes economic considerations into account to determine whether a benefit received by a seller is passed on to the purchaser [see, *e.g., Welded Carbon Steel Pipes and Tubes from Brazil,* 47 FR 44814 (1982); 47 FR 57551 (1982)]. The petition does not allege, nor does it provide any evidence, that the three Brazilian manufacturers of oil country tubular goods are related to Brazilian producers of steel plate in coil, blooms, and billets, or that transactions between these parties are conducted on other than an arm's-length basis. There is nothing in the record of previous countervailing duty investigations against various Brazilian steel products that suggests otherwise. Moreover, petitioners have not alleged that the relevant inputs are not available at comparable prices from other sources, or that Brazilian producers of inputs undercut prices available from other suppliers. Accordingly, we will not examine subsidized steel inputs into the Brazilian OCTG industry at this time.

• Petitioners allege that the Brazilian OCTG industry benefits from other subsidized inputs such as oil, natural gas, and electricity; petitioners, however, provide no evidence supporting this allegation. The reasoning outlined in the preceding paragraph also applies here. Moreover, in our final determinations on certain carbon steel products from Brazil, *supra,* we determined that Brazilian steel producers did not receive electricity at preferential rates. Therefore, we will not investigate other subsidized inputs at this time.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission (ITC) of these actions, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by July 30, 1984, whether there is a reasonable indication that imports of oil country tubular goods from Brazil materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will terminate; otherwise, the investigation will proceed to conclusion.

Dated: July 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18339 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-580-402]

Initiation of a Countervailing Duty Investigation; Oil Country Tubular Goods From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in the Republic of Korea of oil country tubular goods as described in the "Scope of the Investigation" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise materially injure, or theaten material injury to, a U.S. industry. If our investigation proceeds normally, the ITC will make its preliminary determination on or before July 30, 1984, and we will make ours on or before September 6, 1984.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-1785 or 377-0187

SUPPLEMENTARY INFORMATION:

Petition

On June 13, 1984, we received a petition from the Lone Star Steel Company of Dallas, Texas, and the CF&I Steel Corporation, of Pueblo, Colorado, on behalf of the oil country tubular goods industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in the Republic of Korea of oil country tubular goods receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry. The Republic of Korea is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, Title VII of the Act applies to this investigation and an injury determination is required.

Initiation of the Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner, supporting the allegations.

We have examined the petition on oil country tubular goods, and we have found that the petition meets those requirements. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in the Republic of Korea of oil country tubular goods, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally, we will make our preliminary determination by September 6, 1984.

Scope of the Investigation

The products covered by this investigation are "*oil country tubular goods*" (OCTG), which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These include oil well casing, tubing, and drill pipe of carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API specification (such as proprietary), as currently provide for in the *Tariff Schedules of the United States, Annotated (TSUSA)* under items 610.3216, 610.3219, 610.3233, 610.3249, 610.3252, 610.3256, 610.3258, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4957 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are in both finished or unfinished condition.

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in the Republic of Korea of oil country tubular goods receive benefits which constitute subsidies. We are initiating on the following allegations:

- Preferential Export Financing.
- Preferential Government Financing Including Interest Rate Subsidies.
- Preferential Exchange Rates for Export Loans.
- Preferential Financing From the Export-Import Bank of Korea.
- Accelerated Depreciation.
- Preferential Tax Incentives for Exporters.
- Special Tax Incentives for Steel Producers.
- Preferential Utility Rates and Port Charges.
- Duty Deferrals.
- The Free Export Zone Program.
- The Foreign Capital Inducement Law.
- Subsidized Steel Inputs.
- Export Insurance.
- Subsidies to Trading Companies.

We have determined not to investigate the following allegations:

- Petitioners alleged that preferential financing is provided to the Korean steel Industry from the war reparations fund. We have determined in past investigations that loans from this fund are not countervailable *see, Final Affirmative Countervailing Duty Determinations: Certain Steel Products From the Republic of Korea* (47 FR 57535). Petitioners have presented no new evidence or changed circumstances with respect to this program to cause us to reexamine it at this time.
- Petitioners allege that government-owned firms and their subsidiaries receive special tax exemptions. Dongjin Steel Corporation, an OCTG producer, is a wholly-owned subsidiary of Pohang Iron and Steel Corporation, Ltd. (POSCO), a Korean Steel Company with government ownership. Petitioners alleged that Dongjin may have benefitted from special tax exemptions granted to POSCO. We have found in other investigations that these special tax exemptions granted to POSCO expired on December 31, 1981 (see *Final Affirmative Countervailing Duty Determinations: Certain Steel Products From the Republic of Korea* (47 FR 57535)). Petitioners have presented no new evidence or changed circumstances with respect to this program to cause us to examine this allegation.
- Petitioners allege that the Korean government may have provided equity infusions into the OCTG steel industry on terms inconsistent with commercial considerations. Petitioners have presented no evidence to support their claim except that POSCO has received government equity. In Certain Steel Products From Korea, we found that the only steel company investigated that received government equity was POSCO. We also determined that the government's equity participation in POSCO was on terms consistent with commercial consideration.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission (ITC) of this action, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by July 30, 1983, whether there is a reasonable indication that imports of oil country tubular goods from the Republic of Korea materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will terminate; otherwise the investigation will proceed to conclusion.

Dated: July 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18331 Filed 7-10-84; 8:45 am]
BILLING CODE 3510-DS-M

[C-201-404]

Initiation of a Countervailing Duty Investigation; Oil Country Tubular Goods From Mexico

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of oil country tubular goods as described in the "Scope of the Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determinaton or or before September 6, 1984.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Melissa G. Skinner, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC. 20230; telephone (202) 377-3530.

SUPPLEMENTARY INFORMATION:

Petition

On June 13, 1984, we received a petition from the Lone Star Steel Company of Dallas, Texas, and the CF&I Steel Corporation, of Pueblo, Colorado, on behalf of the oil country tubular goods industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers,

producers, or exporters in Mexico of oil country tubular goods (OCTG) receive, directly or indirectly, benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act). Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act and the merchandise being investigated is dutiable. Therefore, section 303 of the Act applies to this investigation. Accordingly, the domestic industry is not required to allege that, and the United States International Trade Commission is not required to determine whether, imports of these products cause or threaten material injury to a U.S. industry.

Initiation of the Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonsbly available to the petitioner supporting the allegations. We have examined the petition on OCTG, and we have found that the petition meets those requirements. Therefore, we are intitiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Mexico of OCTG, as described in the "Scope of the Investigation" section of this notice, receive benefits which constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by September 6, 1984.

Scope of the Investigation

The products covered by this investigation are "oil country tubular goods" which are hollow steel products of circular cross-section intended for use in the drilling of oil or gas. These include oil well casing, tubing, and drill pipe or carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or properietary specifications, as currently provided for in the *Tariff Schedules of the United States, Annotated (TSUSA) under* under items 610.3216, 610.3219, 610.3233, 610.3249, 610.3252, 610.3256, 610.4358, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4957 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240,. 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are in both finished or unfinished condition.

Allegations of Bounties or Grants

We are initiating with respect to the following benefits which the petition alleges that manufacturers, producers, or exporters in Mexico of OCTG receive and which constitute bounties or grants:

- Preferential Financing Programs.

Fund for the Promotion of Exportation of Mexican Manufactured Products (FOMEX)
Loans to producers
Loans to importers
Nacional Financiera, S.A (NAFINSA) loans
Fund for Industrial Development (FONEI) loans
Article 94 loans
Guarantee and Development Fund for Medium and Small Businesses (FOGAIN) loans
National Preinvestment Fund for Studies and Projects (FONEP)
National Fund for the Development of Industry (FOMIN)
In addition, benefits provided due to the uncreditworthiness of Protumsa, Tubacero and Hylsa

- Preferential Federal Tax Credits called Certificados de Promotion Fiscal (CEPROFI).
- Accelerated Depreciation.
- Input Subsidies.

Energy Discounts
Subsidized Steel Inputs

- Preferential Use of Mexican Port Facilities.
- Preferential Vessel, Freight, Terminal, and Insurance Benefits.
- Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN).
- Government Financed Technology Development.

We have determined not to investigate the following allegations:

- Petitioners allege that the Mexican Government is likely to have provided equity infusions into the OCTG component of their steel industry because past Department investigations of steel products from Mexico show that the government has invested massive amounts into the industry on terms inconsistent with commercial considerations *(Certain Carbon Steel Products from Mexico;* 49 FR 5142). The Department initiated that investigation on the allegation that AHMSA and Fundidora were receiving equity infusions from the government of Mexico; however, neither of those companies are alleged to be producers of OCTG. This petition does not provide any evidence that the producers of OCTG have received equity infusions on terms inconsistent with commercial considerations.
- Petitioners allege that the Certificado de Devolution de Impuesto (CEDI) program, which provides credits used against the payment of federal taxes, provides a benefit to OCTG producers. In other cases we have verified that this program was suspended on August 25, 1982, and that no exports from Mexico have received CEDIs after that date. We have also verified that companies in Mexico use CEDIs on a current basis. The period of this investigation is 1983. There is no basis to believe that OCTG producers had outstanding CEDIs as of December 31, 1983. Petitioners also state that we should treat CEDIs as grants because CEDIs undoubtedly induced the Mexican OCTG producers to invest in new machinery and equipment and, therefore, the benefits from CEDIs should be spread over the useful life of machinery and equipment. Petitioners have provided no economic reasons why a program that can be used against payment of payroll taxes and import duties necessarily induces a Mexican OCTG producer to make capital investments. We continue to maintain that our present method of calculating CEDI benefits in the year of receipt is proper. Applying this method, there is no basis to believe that OCTG producers are receiving benefits under the CEDI program.
- Petitioners allege that the OCTG producers were supplied with iron ore and coal at preferential prices or on preferential terms because state-owned (and possibly privately-owned) steel operations receive ore and coal from mines that are operated by the government on a non-profit basis, therefore on preferential terms. To the extent that state-owned (and possibly privately-owned) steel operations, which are related to the OCTG producers, receive iron ore and coal on preferential terms, this allegation will be considered in the investigation of subsidized steel inputs. Petitioners provided no information to indicate that the OCTG producers receive iron ore and coal directly on preferential terms. Therefore, we will not investigate this allegation.

Dated: July 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18323 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-580-403]

Initiation of Countervailing Duty Investigations; Structural Shapes and Cold-Rolled Carbon Steel Flat-Rolled Products From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed with the U.S. Department of Commerce, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in the Republic of Korea of structural shapes and cold-rolled carbon steel flat-rolled products as described in the "Scope of Investigations" section below, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of the merchandise materially injure, or threaten material injury to, a U.S. industry. If our investigations proceed normally, the ITC will make its preliminary determinations on or before August 2, 1984, and we will make ours on or before September 11, 1984.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-1785 or 377-0187

SUPPLEMENTARY INFORMATION:

Petition

On June 18, 1984, we received a petition from the United States Steel Corporation, on behalf of the structural shapes and cold-rolled carbon steel flat-rolled products industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in the Republic of Korea of structural shapes and cold-rolled carbon steel flat-rolled products receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry. The Republic of Korea is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, Title VII of the Act applies to these investigations and injury determinations are required.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of countervailing duty investigations and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined this petition and we have found that the petition meets those requirements. Therefore, we are initiating countervailing duty investigations to determine whether the manufacturers, producers, or exporters in the Republic of Korea of structural shapes and cold-rolled carbon steel flat-rolled products, as described in the "Scope of Investigations" section of this notice, receive benefits which constitute subsidies. If our investigations proceed normally, we will make our preliminary determinations by September 11, 1984.

Scope of Investigations

The products covered by these investigations are carbon steel structural shapes and cold-rolled carbon steel flat-rolled products. The term *"carbon steel structural shapes"* covers hot-rolled, forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedule 6, Part 2, Subpart B of the *Tariff Schedules of the United States Annotated (TSUSA),* for blooms, billets slabs, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any tubular products set forth in the *TSUSA,* having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041, or 609.8045 of the *TSUSA.* Such products are generally referred to as structural shapes.

The term *"cold-rolled carbon steel flat-rolled products"* covers the following cold-rolled carbon steel products: cold-rolled carbon steel flat-rolled products are flat-rolled carbon steel products, whether or not corrugated or crimped; whether or not painted or varnished and whether or not pickled; no cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width, and 0.1875 or more in thickness; as currently provided for in item 607.8320 of the *TSUSA;* or over 12 inches in width and under 0.1875 inch in thickness whether or not in coil; as currently provided for in items 607.8350, 607.8355, or 607.8360 of the *TSUSA.*

Allegations of Subsidies

The petition alleges that manufacturers, producers, or exporters in the Republic of Korea of structural shapes and cold rolled carbon steel flat-rolled products receive benefits which constitute subsidies. We are initiating with regard to the following allegations:

- Preferential Export Financing.
- Preferential Government Financing Including Interest Rate Subsidies.
- Import Duty Reductions.
- Coal Import Subsidies.
- Financial Support for Raw Material Purchases.
- Tariff Reductions on Plant and Equipment.
- Preferential Tax Incentives for Exporters.
- Export Insurance.
- Subsidies to Trading Companies.

In addition to these alleged subsidies, we intend to investigate five programs which the petitioner did not allege but which were found to be countervailable in our 1982 investigations of Certain Steel Products from the Republic of Korea [see, *Final Affirmative Countervailing Duty Determinations: Certain Steel Products from the Republic of Korea* (47 FR 57535)]. These programs include:

- Special Tax Incentives for Steel Producers.
- Preferential Utility Rates and Port Charges.
- Duty Deferrals.
- Free Export Zone Program.
- Foreign Capital Inducement Law.

We have determined not to investigate the following allegations:

- Petitioner alleges that the government has assisted the steel industry in the acquisition of scrap steel. To secure scrap, the government and steel industry have established measures such as stockpiling and the stimulation of imports of salvage vessels. Petitioners have provided no reasons why these measures constitute subsidies or that any services provided to the steel industry under this program are at preferential rates
- Petitioners allege that the government imposes wage controls on POSCO employees. In *Final Affirmative Countervailing Duty Determinations: Certain Steel Products from the Republic of Korea* (47 FR 57535), we determined that the Korean government does not have a system of wage controls. Although due to its quasi-governmental status, POSCO cannot compete with the higher salaries offered by business, it does offer other benefits

to its employees such as housing, a hospital, recreational facilities, and tuition-free schooling which compensate for the lower salaries. We do not consider that the petitioner has provided sufficient new information on wage controls to warrant initiating on this program.

- Petitioner alleges that the government provides training aid to the steel industry. The source of petitioner's information stated that this was one of the programs embarked on by the government when developing its steel industry in the 70's. No information is provided on whether training aid is still given to the steel industry or that training aid is targeted to only selected industries.
- Petitioner alleges that the Korean government is constructing a port at Kwangyang Bay. This port is not yet completed. Petitioner does not provide sufficient information why an uncompleted port provides benefits that constitute subsidies.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission (ITC) of these actions, and to provide it with the information we used to arrive at these determinations. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine by August 2, 1983, whether there is a reasonable indication that imports of structural shapes and cold rolled carbon steel flat-rolled products from the Republic of Korea materially injure, or threaten material injury to, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, these investigations will proceed to conclusion.

Dated: July 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18332 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

Subcommittee on Export Administration of the President's Export Council; Closed Meeting

A Closed meeting of the President's Export Council Subcommittee on Export Administration will be held July 25, 1984, 9:30 a.m. to 3:30 p.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

Agenda

Discussion of matters properly classified under Executive Order 12356, dealing with matters pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Act. A Notice of Determination to close meetings or portions of meetings of the Subcommittee to the public on the basis of 5 U.S.C. 522b(c)(1) was approved on February 2, 1983, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, (202) 377-4217

For further information, contact Debbie Kappler (202) 377-1455.

Dated: July 5, 1984.

Alan F. Holmer,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-18327 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DT-M

[A-475-017]

Pads for Woodwind Instrument Keys From Italy; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that pads for woodwind instrument keys from Italy are being sold, or are likely to be sold, in the United States at less than fair value. The United States International Trade Commission (ITC) will determine, within 45 days of publication of this notice, whether these imports are materially injuring, or threatening to materially injure, a U.S. industry. The United States Customs Service will continue to suspend liquidation on all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption, on or after April 25, 1984, the date of publication of our preliminary determination of sales at less than fair value and will require a cash deposit or bond in an amount equal to the dumping margin as described in the "Suspension of Liquidation" section of this notice for each entry of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Vincent Kane, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-5414.

Final Determination

We have determined that pads for woodwind instrument keys from Italy are being sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act).

We found that the foreign market value of pads for woodwind instrument keys exceeded the United States price on 16.2 percent of the sales compared. Margins ranged from 0.2 percent to 37 percent with an overall weighted-average margin on all sales compared of 1.09 percent.

We have also determined that critical circumstances do not exist because there has been no history of dumping in the United States or elsewhere of this product and because there is no evidence that the importers should have known that the exporters was selling the merchandise at less than fair value.

Case History

On November 7 1983, we received a petition filed by Prestini Musical Instruments Corporation, the major manufacturer in the United States of pads for woodwind instrument keys (pads). In accordance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), petitioner alleged that pads from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a United States industry. Petitioner also alleged that sales are being made at less than the

cost of production in Italy and that "critical circumstances" exist, as defined in section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated an investigation on November 25, 1983 (48 FR 55601). On December 21, 1983, the ITC found that there is a reasonable indication that imports of pads from Italy are materially injuring, or are threatening to materially injure, a United States industry.

We presented antidumping questionnaires to two manufacturers/exporters on December 9, 1983. These are the only two known Italian exporters of pads to the United States. We subsequently received responses from both manufacturers/exporters: Pads Manufacture, s.r.l. (Pads Manufacture) and Luciano Pisoni Fabbrica Accessori Strumenti Musicali (Pisoni).

On April 16, 1984, we preliminarily determined that there is a reasonable basis to believe or suspect that pads from Italy are being, or are likely to be, sold in the United States at less than fair value (49 FR 17791).

We also determined that "critical circumstances" do not exist for pads from Italy. We made this determination because we found no history of dumping in the U.S. market or in third country markets, and because on the basis of the facts in this investigation we were unable to conclude that importers knew or should have known that the subject merchandise was being sold for export to the United States at less than fair value.

Our preliminary determination notice provided interested parties an opportunity to submit views orally and in writing. We received no requests to submit views orally. We did receive written views and gave full consideration to these views in making our final determination. From April 9 through April 12, 1984, we verified the responses in Italy.

Scope of Investigation

The merchandise covered by this investigation is pads for woodwind instrument keys, currently provided for under item number 726.70 of the *Tariff Schedules of the United States* (TSUS). These pads are affixed to the keys of various woodwind instruments, e.g., saxophones, clarinets, oboes, and flutes.

This investigation covers the period June 1, 1983, through November 30, 1983.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value. Where a manufacturer/exporter did not have sufficient home market or third country sales, we compared the United States price to constructed value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for the sales by the previously mentioned manufacturers/exporters because the subject merchandise was sold to unrelated U.S. purchasers prior to its importation into the United States. We calculated purchase price on the basis of the f.o.b. factory price.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value on the basis of home market sales of such or similar merchandise produced by Pisoni. We calculated home market prices on the basis of sales to an unrelated wholesaler. With the exception of two items accounting for about two percent of sales, we found all of Pisoni's home market sales to be above its cost of production.

Because the home market sales of these two items were not insubstantial quantities and were not made over an extended period of time, we determined that home market sales, including sales of the two items at less than cost, constitute the proper basis of fair value for Pisoni. Therefore, we calculated foreign market value based on sales prices to the major wholesale customer in the home market.

Pisoni incurred higher packing material costs and packing labor costs on home market sales. In the home market Pisoni sold pads packaged in small, sealed plastic envelopes with each envelope containing a specific, small number of pads depending on pad size. Pads had to be counted out individually for each envelope in a shipment. In the United States, Pisoni sold pads packaged in large plastic bags, each bag containing a large number of pads. Pads were not counted out individually in filling the bags but were weighed in bulk in order to determine the correct number to be placed in a bag. In calculating foreign market value, we made an adjustment to take into account the higher home market packing costs.

Pisoni's credit terms allowed for a longer payment period on home market sales than on U.S. sales. We calculated the weighted-average payment period in each market and adjusted for the additional number of days in the home market period on the basis of Pisoni's normal borrowing rate for Italian lire during the period of investigation.

We calculated foreign market value for Pads Manufacture on the basis of either third country sales or constructed value. We obtained this information after the preliminary determination, which for Pads Manufacture was based on petitioner's cost to produce as best information available at that time. Pads Manufacture had no sales in the home market. For several items exported to the U.S., Pads Manufacture had third country sales of such or similar merchandise which we used for fair value comparison purposes. For other items exported to the U.S., however, Pads Manufacture had no third country sales of such or similar merchandise. For these exports, we used constructed value as the basis of fair value.

In computing the constructed value, we used the cost of materials, fabrication, and general expenses as supplied by Pads Manufacture. General expenses were in excess of the statutory minimum of 10 percent. We added the statutory minimum of 8 percent for profit to the total of materials, fabrication and general expenses.

Negative Determination of Critical Circumstances

Petitioner alleged that imports of the product under investigation present "critical circumstances." Under section 735(a)(3) of the Act, critical circumstances exist when: (A)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value, and (B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

We have found no history of dumping either in the U.S. market or in third country markets.

Petitioner asserts that the major U.S. importer knew or should have known that woodwind instrument pads from Italy were being sold in the United States at less than fair value. Petitioner's assertion is based on the

fact that in 1976, the major U.S. importer was a partner in a large U.S. pad production company and was knowledgeable of pad production costs at that time. We do not agree that a knowledge of U.S. production costs in 1976 is necessarily relevant to a knowledge of Italian production costs and thereby a knowledge of fair value in 1983. In addition, the major importer cited in the petition purchased exclusively from Pisoni, whose weighted-average margin of less than fair value sales was only 1.16 percent. This margin is not sufficiently large to raise the presumption of knowledge of sales at less than fair value, particularly since the importer was not related to Pisoni. Therefore, we conclude that the major U.S. importer did not know and had no basis to know or suspect that sales of the subject merchandise were at less than fair value. In addition, the margins of sales at less than fair value for Pads Manufacture were also not sufficiently large to raise the presumption of knowledge of less than fair value sales from this producer. For this reason we determine that critical circumstances do not exist with respect to pads for woodwind instrument keys from Italy.

Verification

In accordance with section 776(a) of the Act, we verified the information used in making this determination. We were granted access to the books and records of both of the manufacturers under consideration. We used standard verification procedures, including examination of accounting records, financial records, and selected documents containing relevant information.

Results of Investigation

We made fair value comparisons on all sales of the subject merchandise made for export to the United States by the manufacturers under investigation. We found that foreign market value exceeded the United States prices on 16.2 percent of the sales compared. The margins of less than fair value ranged from 0.2 to 37 percent. The overall weighted-average margin on all sales compared was 1.09 percent.

Final Determination

Based on our investigation and in accordance with section 735(a) of the Act, we have reached a final determination that pads for woodwind instrument keys from Italy are being sold in the United States at less than fair value within the meaning of section 731 of the Act.

Petitioner's Comments

Comment Number 1

Petitioner contends that the Department should have calculated foreign market value based on the constructed value, rather than on home market prices, since petitioner claims home market prices to be at less than the cost of production. Petitioner contends that one of the respondents' labor costs were significantly understated, since the worker assembly rates reported in the response were unrealistically high. Petitioner claims that had the Department verified and used true labor costs, it would have concluded that home market sales were at less than the cost to produce.

DOC Position

Prior to verification we received information from the petitioner concerning the allegedly excessive worker assembly rates. As a result, we were particularly careful in verifying the assembly rates reported in the response. During verification, we reviewed worker production logs submitted by the workers and approved by their supervisors for pay purposes. We also reviewed the payrolls prepared based on the production logs. These documents confirmed the assembly rates reported in the response. In addition, as a further check, we observed workers assembling pads and timed their production over a short period. The assembly rates observed in this manner further substantiated the rates reported in the response.

Comment Number 2

Petitioner claims that the bladder yields per meter of processed bladder reported by one of the respondents was excessive based on its experience.

DOC Position

Respondent determined yield for the circular shapes cut from sheets of bladder on the basis of the square of the square of the diameter of the circular shapes rather than on the basis of the smaller area represented by actual area of each circle. This method allowed for a substantial waste factor. During verification, we found that respondent did not cut uniform rows of circles from a bladder sheet but offset the cuts from one rows to the next in order to reduce waste between cuts. Also, after large sizes were cut from a bladder, respondent reused the remnant of the bladder sheet for cutting smaller sizes which could be fit on the unused portion of the sheet. In this manner respondent was able to achieve the yield reported in the response.

Respondents' Comments

Comment Number 1

One of the respondents contends that the Department should have used a daily currency exchange rate rather than the quarterly exchange rate in converting lire to dollars. Respondent claims that the use of the daily rate would have resulted in a negative determination for this respondent based on *de minimus* margins of sales at less than fair value. Respondent states that section 353.56(b) of the Commerce Regulations gives the Department the flexibility to use a daily rather than a quarterly exchange rate. In addition, respondent cites the United States Court of Appeals for the Federal Circuit's decision in *Melamine Chemicals, Inc.* v. *United States* (CAFC 1984), as precedent for the Department to use a daily rate in this investigation.

DOC Position

Section 353.56(b) of our regulations directs us to make an allowance for margins created solely by temporary exchange rate fluctuations, fluctuations that are obviously beyond the control of the exporter. Respondent's case, however, differs from that envisioned by section 353.56(b). The movement of the exchange rate during the period of investigation served to reduce margins of less than fair value rather than to create margins. In addition, the steady movement of the exchange rate did not constitute the "temporary" fluctuations contemplated by the regulations. The rates show a steady, non-volatile progression downward. Furthermore, the exporter did not act within a reasonable period of time to take into account the price differences resulting from sustained changes in the prevailing rates as required by § 353.56(b) of the Commerce Regulations. In fact, when respondent established its home market price in January of 1933, there were clearly margins of less than fair value based on the currency conversion rate in effect at that time. The steady depreciation of the lire against the dollar during 1933 served to reduce these margins rather than create them as envisioned by § 353.56(b). Therefore, we have determined that use of the special provisions of § 353.56(b) would not be appropriate. We have used the daily rate for certain sales under review, only when the daily rate differed by 5 percent or more from the quarterly rate, as provided in § 353.56(a) of the regulation and section 522 of the Act (31 U.S.C. 372).

We note also that § 353.56(b) of the Commerce Regulations provides for

temporary and rapid fluctations in the exchange rate. Since the lire showed a steady depreciation against the dollar over a long period of time, § 353.56(b) would not apply.

Regarding the appeals court decision on melamine from the Netherlands, it is abundantly clear that the court was concerned with temporary and volatile exchange rate fluctuations occurring during the period of investigation that created margins which would not have otherwise existed. Under these conditions, the court approved the use of exchange rates in effect during an earlier more stable period. The exchange rate behavior in our present investigation differs markedly from that in melamine and, as stated earlier, tends to reduce rather than create margins.

Comment Number 2

Respondents priced pads by setting a single price for all pad sizes within a given range of sizes rather than by setting a separate price for each pad size. The price for a particular range of sizes was based on the average size within the range and, to some extent, on projected sales volumes of the various sizes within the range. Although this pricing method was used in both the U.S. and the home market, the ranges in one market did not always correspond with those of the other market. Consequently, the Department's comparison of the sales price for a particular pad size sold in one market with the sales price of the identical pad size sold in the second market might result in the pairing of prices from disparate size ranges. Since this method of comparison sometimes results in the comparison of prices from disparate size ranges, one of the respondents contends that this method is unfair: Respondent suggests that the Department restructure the pricing in the home market when necessary to achieve alignment of the size ranges in each market. In addition, certain home market size ranges included a model with a metal resonator along with models with plastic resonators, whereas the U.S. size ranges included only the less expensive plastic resonator models. An adjustment should be made for the additional cost of the metal resonator.

DOC Position

Although we considered restructuring the home market size ranges and associating weighted-averge prices with the new ranges based on price increments among the existing size ranges, we ultimately disregarded this alternative in favor of the more straightforward approach of simply comparing the sales price of a particular pad size in the U.S. market with the sales price of the identical pad size and model in the home market. We did not consider an attempt to restructure the home market pricing to be appropriate, since it resulted in an adjustment for what appeared to be respondent's deliberate pricing strategy in each of the markets under review.

For the same reason, we considered an adjustment for metal resonator pads included in several of the home market price groupings to be inappropriate. The fact that a metal resonator pad was grouped for pricing purposes with plastic resonator pads in the home market, again reflected the deliberate pricing strategy of the respondent, but did not warrant an adjustment on sales comparisons of identical merchandise in each of the markets under review.

Comment Number 3

One of the respondents claims that the Department should have been willing to verify information on adjustments for differences in the merchandise and differences in quantities submitted subsequent to the verification conducted in early April. Respondent claims that adjustments for these differences would have resulted in a negative determination on its sales.

DOC Position

We received details ragarding the proposed adjustments on June 19, 1984, just 10 days prior to the due date for our final determination. We determined that in the time remaining it would not have been possible to verify the information, prepare a report of verification, and provide petitioner with an adequate opportunity to comment on the adjustments. Therefore, we did not verify the information and have not used it in our final determination. Should this investigation result in an antidumping duty order, we will consider the information relating to these adjustments during our review of the order as provided in section 751 of the Act.

Continuation of Suspension of Liquidation

Liquidation will continue to be suspended on all entries of the subject merchandise that are entered, or withdrawn from warehouse, for consumption. The United States Customs Service will continue to require the posting of a bond or a cash deposit in the following amounts:

Manufacturer/exporter	Percent of f.o.b. value
Pisoni	1.16
Pads Manufacture	1.03

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. In addition, we have made available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, whether publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping order directing Customs officers to assess an antidumping duty on pads for woodwind instrument keys from Italy entered, or withdrawn from warehouse, for consumption on or after the suspension of liquidation, equal to the amount by which the foreign market value of the product exceeds the United States price. This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d).

Dated: June 29, 1984.

Alan F. Holmer,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-18294 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-025]

Final Determinations of Sales at Less Than Fair Value: Certain Carbon Steel Products From Brazil

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that certain carbon steel products (hot- and cold-rolled carbon steel sheet) from Brazil are being sold in the United States at less than fair value and that critical circumstances exist. The United States International Trade Commission (ITC)

will determine whether these imports are materially injuring, or are threatening to materially injure, a United States industry. We are directing the U.S. Customs Service to suspend liquidation as set forth in the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: July 11, 1984.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION:

Final Determinations

We determine that certain carbon steel products from Brazil are being sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). Cold-rolled carbon steel sheet produced and sold by COSIPA and CSN are excluded from the determination on cold-rolled carbon steel sheet.

We found that the foreign market value of hot-rolled carbon steel sheet from Brazil exceeded the United States price on 60 percent of the sales of this product. These margins ranged from 0.47 percent to 103.7 percent and the overall weighted-average margin on all hot-rolled carbon steel sheet sales compared is 6.45 percent. We found that the foreign market value of cold-rolled carbon steel sheet from Brazil exceeded the United States price on 8 percent of the sales of this product. These margins ranged from 0.21 percent to 16.83 percent and the overall weighted-average margin on all cold-rolled sheet sales compared is 0.91 percent. The weighted-average margins for individual companies are presented in the "Suspension of Liquidation" section of this notice.

Case History

On November 10, 1983, we received petitions from United States Steel Corporation on behalf of the domestic certain carbon steel products industry. In accordance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitions alleged that imports of certain carbon steel products (hot-rolled carbon steel sheet and cold-rolled carbon steel sheet) from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or threatening to materially injure, a United States industry.

After reviewing the petitions, we determined that they contained sufficient grounds to initiate antidumping duty investigations. We notified the ITC of our action and initiated the investigations on November 22, 1983 (48 FR 55011). On December 27, 1983, we were informed by the ITC that there is a reasonable indication that imports of certain carbon steel products are materially injuring a United States industry.

On March 13, 1984, the petitions were amended to include an allegation that "critical circumstances" exist with respect to sales of certain carbon steel products from Brazil pursuant to section 733(e) of the Act.

Questionnaires were presented to Companhia Siderurgica Paulista (COSIPA), Companhia Siderurgica Nacional (CSN), and Usinas Siderurgicas de Minas Gerais S/A (USIMINAS), on December 2, 1983. We received responses on February 8, 16, and 22, 1984. Revised responses were received on June 6, 1984.

On April 18, 1984, we made a preliminary determination that hot-rolled carbon steel sheet from Brazil was being, or was likely to be, sold in the United States at less than fair value and that one producer, CSN, should be excluded from this determination (49 FR 17986). We preliminarily determined that cold-rolled carbon steel sheet from Brazil was not being or was not likely to be sold in the United States at less than fair value (49 FR 18024). We also preliminarily determined that critical circumstances did not exist.

Scope of Investigations

The merchandise covered by these investigations in hot-rolled cabon steel sheet and cold-rolled carbon steel sheet.

The term *"hot-rolled carbon steel sheet"* covers the following hot-rolled carbon steel poducts. Hot-rolled carbon steel sheet is a flat-rolled carbon steel product, whether or not corrugated or crimped; not cold-rolled, not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; 0.1875 inch or more in thickness, over 8 inches in width and pickled; as currently provided for in item 607.8320 of the Tariff Schedules of the United States Annotated (*TSUSA*), or under 0.1875 inch in thickness and over 12 inches in width, whether or not pickled, whether or not in coils, as currently provided for in items 607.6710, 607.6720, 607.6730, 607.6740, or 607.8342 of the *TSUSA*. This description of hot-rolled carbon steel sheet includes some products classified as "plate" in the *TSUSA*.

The hot-rolled carbon steel sheet covered by this investigation is a different product from that covered by the recent antidumping duty investigations on "hot-rolled carbon steel plate and sheet from Brazil." The sheet in those investigations is the product described as "plate in coil" in Appendix A of the notice of "Certain Carbon Steel Products from Mexico; Initiation of Countervailing Duty Investigations" (48 FR 55013).

The term *"Cold-rolled carbon steel sheet"* covers the following cold-rolled carbon steel products. Cold-rolled carbon steel sheet is a flat-rolled carbon steel product, whether or not corrugated or crimped; whether or not painted or varnished and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width, and 0.1875 or more in thickness, as currently provided for in item 607.8320 of the Tariff Schedules of the United States Annotated (*TSUSA*), or over 12 inches in width and under 0.1875 inch in thickness in items 607.8350, 607.8355, or 607.8360 of the *TSUSA*. This description of cold-rolled carbon steel sheet includes some products classified as "plate" in the *TSUSA*.

These investigations cover the period from June 1, 1983, through November 30, 1983. COSIPA, CSN, and USIMINAS are the only known Brazilian producers who export the subject merchandise to the United States. We examined virtually all of United States sales made during the period of investigation.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price based on the F.O.B. or C & F price to United States purchasers. We deducted brokerage charges, inland freight, handling charges, inland insurance, ocean freight and other expenses incurred in delivering the products to the port of exportation, where appropriate. When comparing the United States price to home market prices, we accounted for taxes imposed

in Brazil but rebated or not collected by reason of the exportation of the merchandise to the United States.

Foreign Market Value

In accordance with section 773(a)(1) of the Act, we used home market prices where there were sufficient home market sales at or above cost of production to determine foreign market value. Where there were no or insufficient sales in the home market at prices at or above cost, we used constructed value. The petitioner alleged that sales in the home market were at prices below the cost of producing hot-rolled carbon steel sheet. We examined production costs, including materials, labor and general expenses. In calculating foreign market value, we made currency conversions from Brazilian cruzeiros to United States dollars in accordance with § 353.56(a)(1) of the Commerce regulations using the certified daily exchange rates.

We found that sales of certain subgroups of the subject merchandise were made at less than the cost of production over an extended period of time, in substantial quantities, and at prices not permitting the recovery of all costs within a reasonable period of time in the normal course of trade. Where there were insufficient sales above cost and we could not use sales in the home market to determine the foreign market value of the products under investigation which are in these subgroups, we used constructed value. Sufficient sales of other subgroups of the products under investigation were made in the home market at or above cost. Therefore, we used home market prices to determine the foreign market value for these subgroups.

The home market prices were based on ex-factory prices to unrelated home market purchasers including an additional charge for late payment. From these prices, we deducted a regional discount, where appropriate. We also adjusted, where appropriate, for the differences between commissions on sales to the United States and indirect selling expenses in the home market used as an offset to U.S. commissions, in accordance with 19 CFR 353.15(c). We also made a circumstance of sale adjustment for differences in post-shipment credit terms in the two markets.

We made adjustments for differences in physical characteristics. These were based on the differences in industrial costs. Packing was not included in the price to either market.

In accordance with section 773 of the Act, we calculated constructed value, where appropriate, by adding the costs of materials and of fabrication of the merchandise sold to the United States, general expenses, and profit. For materials and fabrication, we used the producers' actual cost figures.

We used the actual general expenses, including those attributable to effects of inflation, since they exceeded the statutory minimum of ten percent of the sum of material and fabrication costs. We calculated profit using the statutory minimum of eight percent of the sum of the general expenses and cost since the actual profit was less than the statutory minimum. We did not add packing costs since the merchandise sold to the United States was unpacked.

Petitioner's Comments

Comment 1

Petitioner claims that currency exchange losses have been incorrectly omitted from production costs. Petitioner argues that the fact that the independent auditors qualified their approval of the respondents' 1983 financial statements in this regard demonstrates the inappropriate treatment of these losses which are a cost of doing business. Petitioner states that currency exchange losses should be treated in the same manner as other financial expenses.

DOC Position

The Department reviewed the financial statements of the respondents and the accompanying audit opinions of their public accounts. We concluded that the impact of the maxi-devaluation of the Braxilian cruzeiro on the financial operating performance in 1983 would be distortive if included in the cost of production in its entirety in one year, but that the complete exclusion (deferral) of the capitalized portion of the devaluation impact in 1983 would also be distortive.

Therefore, the Department has included a portion of the capitalized exchange losses in the cost of production. Since Decree-law 2029/83 permitted the amortization of the devaluation over a maximum five year period, we included ⅕ (20%) of the effect in the 1983 production cost.

Comment 2

Petitioner claims that respondents understated their asset values and, therefore, their depreciation costs in 1983. This claim was based on the fact that respondents revalued assets as of December 31, 1983.

DOC Position

The Department investigated the depreciation methods used by the respondents. The Brazilian accounting practice is to use the government bond rate (ORTN) to increase the depreciation charges on a monthly basis. Therefore, the depreciation charged to cost of production reflects an increased book value of the assets.

Comment 3

Petitioner alleges that certain domestic and export product categories set forth by respondents as representing the most similar comparison groups are not similar and should be rejected for comparison purposes or subject to adjustment.

DOC Position

The comparison groupings proposed by the respondents were reviewed by a steel expert in Import Administration who stated that the grades chosen for comparison purposes were correctly designated and that the dimensional subgroups were valid. Where appropriate, adjustments for differences in merchandise were made.

Comment 4

Petitioner asserts that respondents had improperly adjusted their method of allocating selling, general and administrative (SG&A) expenses. In modifying costs of goods sold by inventory changes, they deferred a portion of SG&A which was charged to income in 1983. SG&A expenses must be based on sales volume in order to fully allocate the expense over all products sold during the period.

DOC Position

We agree. The respondents allocated SG&A expenses to specific products based on the same ratio as the total expense is to cost of production. This methodology, however, does not properly allocate SG&A expenses to the products under investigation. Using their methodology a portion of SG&A would be allocated to inventory. We consider SG&A expenses to be period costs and have reallocated the expenses to specific products based on the same ratio as total SG&A is to cost of goods sold.

Comment 5

Petitioner asserts that no adjustment for differences in credit terms should be allowed since the home market price list is on at-sight terms as are U.S. sales.

DOC Position

We disagree. While the price list prices are based on at-sight terms the price lists provide for additional charges for 60 day payment terms and late

payment. We verified that these additional charges are actually collected and these charges are included in the prices reported. Therefore, we made an adjustment in accordance with 19 CFR 353.15 for the differences in credit costs.

Interested Party's Comments

Comment 1

Bethlehem claims that the prices in the Brazilian home market are fictitious prices due to the government price controls and should not be used as the basis for determining fair value.

DOC Position

We disagree. The government price controls on steel products are part of a generalized price control system in Brazil. Under this system, maximum prices are set by the Interministerial Council on Prices. The maximum prices are revised periodically upon request of the Brazilian steel producers on the basis of increased costs. The prices reported are those actually charged in the home market. Since the presence of a fictitious market has not been demonstrated, we have determined that the home market prices are the proper basis for determining fair value.

Comment 2

Bethlehem claims that use of the official exchange rate in effect on the date of exportation is inappropriate in these investigations since the government of Brazil has devalued the cruzeiro at a rate which exceeds the rate of inflation in Brazil and that this rapid devaluation is specifically aimed at increasing exports. Bethlehem suggests the use of the 1982 exchange rate adjusted for 1983 inflation or use of the exchange rate in the previous quarter.

DOC Position

Since all sales to the United States were calculated on the basis of purchase price, we converted currency at the exchange rate in effect on the date of purchase, in accordance with 19 CFR 353.56(a)(1). We agree that 19 CFR 353.56(b) allows some latitude in the selection of the appropriate exchange rate where prices under consideration are affected by temporary exchange rate fluctuations.

Since the cruzeiro has been subject to significant devaluation over a period in excess of three years, we have determined that these fluctuations are not temporary and that the conversion of currency in accordance with 19 CFR 353.56(a)(1) is appropriate.

Comment 3

Bethlehem alleges that input costs for iron ore, limestone, refractories, fluxes, additives and alloys are undervalued as a result of government price controls on these materials.

DOC Position

We base the determination of input costs on the actual costs to the producers under investigation in the absence of evidence that the suppliers are related to the producers. Where relationships are known to exist, we determine whether the cost element under consideration fairly reflects the amount usually reflected in sales in the market under consideration of the merchandise under consideration in accordance with section 773(e)(2) of the Act (19 U.S.C. 1677b(e)). In the case of iron ore, where a relationship was known to exist between the producer and supplier, we determined that the prices did fairly reflect the amount usually reflected in sales in Brazil. We have no evidence that any relationships within the meaning of section 773(e)(3) of the Act exist between the respondents and other input suppliers. Therefore, we used the transaction prices in calculating production costs.

Respondents' Comments

Comment 1

Respondents argue that when determining whether sales are below cost of production ITA should have compared the weighted-average price for hot- or cold-rolled sheet in Brazil with the weighted average cost of producing hot- or cold-rolled sheet.

DOC Position

We believe that when testing for below cost of production sales, we should examine "such and similar merchandise" rather than the class or kind of merchandise under investigation. Under respondents' theory that we should examine whether the weighted-average price of hot- or cold-rolled sheet exceeds the weighted average cost of hot- or cold-rolled sheet, either all or none of the home market sales would be disregarded. This would be inconsistent with the statutory requirement that ITA disregard only those sales made at less than the cost of production which are made over an extended period of time, and in substantial quantities and not at prices which permit recovery of all costs within a reasonable period of time in the normal course of trade.

Comment 2

Respondents claim that the adjustment for differences in circumstances of sale relating to post-shipment credit should be calculated on the basis of effective interest rates rather than nominal interest rates. Respondents submitted revised responses including post-shipment credit costs based on the effective interest rates.

DOC Position

We agree that the effective rate of interest more accurately reflects the cost of credit to respondents and calculated the adjustment on the basis of each firm's short-term working capital borrowing experience in terms of effective interest rates.

Comment 3

Respondents assert that the late payment fee charged by the respondents should be added to the home market price before comparison to the cost of production, since the analogous costs are included in the cost of production.

DOC Position

We agree. We verified the fact that the charges are actually being paid by the customers. In addition, we included these charges in the home market price and made the appropriate adjustments for differences in circumstances of sale in the calculation of the post-shipment credit costs.

Comment 4

Respondents argue that a circumstance of sale adjustment should be made to reflect differences in pre-shipment financing.

DOC Position

We disallowed this claim because we do not consider the pre-shipment credit to be directly related to the sales under consideration. The pre-shipment financing is working capital financing used by respondents on export sales and is available through exchange contracts which enable the seller to borrow funds in cruzeiros based on anticipated export sales payable in U.S. dollars. These loans are for extended periods of time, often 180 days, and the exchange contracts specify the interest rate. At the time of shipment of an assigned exportation, the lending bank receives payment in U.S. dollars or the loan is converted to a post-shipment credit. Specific export sales or shipments are not tied to these loans until the applicable export licenses are issued which is usually at the time of exportation. The exchange contracts identify an anticipated purchaser; however, receipts from shipments to other purchasers are often applied against the loans. In addition, export contracts often involve multiple shipments. We verified that receipts

from shipments under single export contracts have been applied against multiple exchange contracts. Export contracts are often concluded after the funds are borrowed under exchange contracts. Also, the exporter has the choice of assigning payment for the export shipment to any outstanding exchange contract or receiving the U.S. dollars payment directly. Based on the foregoing, we do not consider the pre-shipment credit to be directly related to the sales under consideration.

Comment 5

Respondents claim that COSIPA's financial expenses should be adjusted to accurately allocate them between assets in current production and assets for expansion which are not in operation. Respondents state that the capitalization and deferral of interest costs on assets under construction is consistent with Brazilian and U.S. generally accepted accounting principles and is, therefore, permissible under the antidumping duty law.

DOC Position

We disagree. In calculating the cost of production, our policy is to use the firm's expenses as recorded in its financial statements as long as those statements are prepared in accordance with the home country's generally accepted accounting principles (GAAP) and do not significantly distort the firm's financial position or actual costs. The principles used in the financial statements with respect to these financial expenses were in accordance with GAAP in Brazil. A similar claim was rejected in the recent investigation on hot-rolled carbon stee plate and hot-rolled carbon steel sheet from Brazil as stated in the final determination published on Jaunary 25, 1984 (47 FR 3102).

The 1983 COSIPA financial statements were prepared after the publication of that notice. The fact that COSIPA was not permitted to alter its treatment of interest expense in 1983 also supports our determination that the claimed adjustment is not warranted.

Comment 6

Respondents claim that a circumstance of sale adjustment should be made for the freight equalization charge which CSN and COSIPA are required to include in their prices.

DOC Position

The freight equalization charge constitutes an increase in revenue to COSIPA and CSN with no corresponding costs. As such, we determine that the freight equalization charge does not constitute a selling expense and an adjustment for a difference in circumstances of sale is not appropriate.

Verification

In accordance with section 776(a) of the Act, we verified data used in making this final determination by using verification procedures which included on-site inspection of manufacturers' facilities and examination of company records and selected original source documentation containing relevant information.

Final Affirmative Determinations of Critical Circumstances

U.S. Steel alleged that imports of hot-rolled carbon steel sheet present "cricital circumstances." Under section 735(a)(3) of the Act, critical circumstances exist when the Department finds that: (1) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than fair value, and (2) there have been massive imports of the class or kind of the merchandise which is the subject of the investigation over a relatively short period.

In determining whether there is a history of dumping of hot- and cold-rolled carbon steel sheet from Brazil in the United States or elsewhere, we reviewed past antidumping findings of the Department of the Treasury as well as past Department of Commerce antidumping duty orders. We found no past antidumping determinations on hot-rolled carbon steel sheet from Brazil which covered the class or kind of hot-rolled carbon steel sheet which is the subject of this investigation. We also reviewed the antidumping actions of other countries made available to us through the Antidumping Code Committee established by the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. On November 9, 1982, in Commission Recommendation No. 310/10 ECSC, the Commission of the European Communities imposed antidumping duties on imports of hot-rolled sheets of less than 3mm and cold-rolled sheets of iron and steel, originating in Brazil. On May 18, 1983, in Commission Recommendation No. 1230/83 ECSC, the Commission of the European Communities imposed antidumping duties on imports of sheets and plates, of iron and steel, not further worked than hot-rolled of a thickness of 3mm or more, originating in Brazil. We now recognize that all of the merchandise covered by our investigations falls within the scope of the Commission Recommendations. Therefore, we find the requisite history of dumping of the class or kind of merchandise.

Information on the record indicates that imports of the merchandise under investigation have increased dramatically. In considering this question, we compared the monthly average of imports from Brazil during the period of May through October 1983, with the monthly average of imports for the period of November 1983 through March 1984, the five months between our receipt for the petition and our preliminary determinations. These comparisons show that the import volume of hot-rolled sheet increased by 100 percent and cold-rolled sheet increased by 24 percent. Since USIMINAS is the only major exporter of cold-rolled sheet which is not excluded, we made similar comparisons relative to its shipments of this product and found they had increased by 74 percent.

Normally, we would also analyze imports from prior years in order to determine whether increased imports over a short period could be attributable to factors such as seasonal flows and, therefore, may not constitute massive imports over a short period of time for the purposes of section 735(a)(3). In this case, we have not done so because Brazil is a comparatively new entrant in the U.S. market with consequently low levels of exports of these products to the U.S. in 1981 and 1982.

Based on our comparisons of figures for the periods set forth above, we find that there have been massive imports of hot-rolled carbon steel sheet and cold-rolled carbon steel sheet over a relatively short period of time.

For the reasons discussed above, we find that critical circumstances exist within the meaning of section 735(a)(3) of the Act. We note that, pursuant to section 735(b)(4) the ITC makes its own determinations regarding critical circumstances. Therefore, pending the ITC's final determination, the suspension of liquidation of entries is ordered retroactively for a period of 90 days as set forth in the "Suspension of Liquidation" section below.

Suspension of Liquidation

In accordance with section 733(d) of the Act, on April 26, 1984, we directed the United States Customs Service to suspend liquidation of all entries of hot-rolled carbon steel sheet from Brazil

with the exception of hot-rolled carbon steel sheet produced by CSN. As of the date of publication of this notice in the Federal Register, the liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise will continue to be suspended. The U.S. Customs Service shall require a cash deposit or the posting of a bond of equal amount. The suspension of liquidation of entries is ordered retroactively to January 27 1984, on hot-rolled carbon steel sheet exported by all manufacturers/exporters except CSN. Suspension of liquidation of all entries of hot-rolled carbon steel sheet sold by CSN and cold-rolled carbon steel sheet sold by all companies except COSIPA and CSN is ordered retroactively for a period of 90 days prior to the date of publication of this notice. The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturers/producers/exporters	Weighted-average margins (percent)
Hot-rolled carbon steel sheet:	
COSIPA	18.03
CSN	6.09
USIMINAS	18.15
All Other Manufacturers/Producers: Exporters	6.45
Cold-rolled carbon steel sheet:	
COSIPA (Excluded)	0.0
CSN (Excluded)	0.06
USIMINAS	1.40
All Other Manufacturers/Producers: Exporters	0.91

Article VI.5 of the General Agreement on Tariffs and Trade provides that "(n)o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act. Since dumping duties cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Accordingly, the level of export subsidies (as determined in the final affirmative countervailing duty determinations on certain carbon steel products from Brazil (49 FR 17988)) has been subtracted from the dumping margin for deposit or bonding purposes.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether imports of hot-rolled carbon steel sheet are materially injuring or threatening to materially injure a U.S. Industry within 45 days of the publication of this notice. The ITC will make its determination on cold-rolled carbon steel sheet within 75 days of the publication of this notice.

If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess antidumping duties on certain carbon steel products from Brazil, as appropriate entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States prices.

Dated: July 2, 1984.

Alan F. Holmer,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 84-18235 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

Intent to Conduct OMB Circular No. A-76 Cost Comparison Studies

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of intent to conduct cost comparison studies.

Notice is hereby given pursuant to Office of Management and Budget Circular No. A-76 and Department of Commerce Administrative Order 201-41 that the e National Bureau of Standards (NBS) intends to conduct a comparison study of the costs of the Government's operation of

(a) Custodial services performed by NBS Boulder;

(b) Grounds maintenance performed by NBS Gaithersburg; and

(c) Grounds maintenance performed by NBS Boulder.

versus the costs of a private contractor(s) performing the same tasks. Contracts may or may not result from the cost comparison studies. Results of the studies will be made available to bidders, offerers, and all interested parties.

DATES: Solicitations for bid or proposals are scheduled for after February 1, 1935. The studies are expected to end by September 30, 1935.

Anyone having any questions regarding this notice is invited to contact Mrs. Paige L. Gilbert, Executive Officer, Office of the Director of Administration, National Bureau of Standards, Gaithersburg, Maryland 20899, (301) 921-3567.

Dated: July 5, 1934.

John Lyons,

Acting Director.

[FR Doc. 84-18209 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Issuance of Permit

On June 1, 1934, Notice was published in the Federal Register (49 FR 22851) that an application had been filed with the National Marine Fisheries Service and the Fish and Wildlife Service by the Morris Museum of Arts and Sciences, Post Office Box 125, Convent, New Jersey 07961, for a permit to import an exhibit of Inuit art which contains items made in whole or in part of ringed seal (*Phoca hispida*), bearded seal (*Erignathus barbatus*), and walrus (*Odobenus rosmarus*) for the purpose of public display.

Notice is hereby given that on July 3, 1984, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service and the Fish and Wildlife Service jointly issued a Permit to the Morris Museum of Arts and Sciences for the above importation subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.,

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; and

Director, U.S. Fish and Wildlife Service, Department of the Interior, 18th & C Streets NW., Washington, D.C., 20240.

Dated: July 3, 1934.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-18343 Filed 7-10-84; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Resumption of Recessed Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Resumption of final meeting of the Salmon and Steelhead Advisory Commission.

DATE: July 23, 1984. The Salmon and Steelhead Advisory Commission met on June 14 and 15, 1984, to review their report to the Secretary of Commerce. The meeting was recessed until July 23, 1984, for a telephone conference of the voting members to consider approval of the final report and authorize submission to the Secretary of Commerce. A speaker-phone will be available at the NOAA Western Regional Center, National Marine Fisheries Service, Northwest Regional Office, 7600 Sand Point Way NE., Building 1, Seattle, Washington 98115 where the public may listen to the proceedings at 10:00 a.m..

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Kruse, Acting Regional Director, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115. Telephone 206–526–6150.

Dated: July 6, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84–18351 Filed 7–10–84; 8:45 am]

BILLING CODE 3510–22–M

Receipt of Application for Permit; the Moscow Zoo

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name—The Moscow Zoo (P346).

b. Address—123242 Moscow; B. Grusinskaya, I USSR.

2. Type of Permit—Public Display.

3. Name and Number of Animals: California sea lion (*Zalophus californianus*), 1.

4. Type of Take: Captive maintenance for public display.

5. Location of Activity: A captive born animal will be utilized.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Director of City Veterinarian Service of Moscow City Council and Chief Inspector of State Veterinary Commission of the City of Moscow have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.,

Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930–3799; and

Regional Director, Southwest Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: July 3, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84–18301 Filed 7–10–84; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Public Availability of Identification Lists

AGENCY: Defense Logistics Agency, DOD.

ACTION: The Defense Logistics Agency is responding to the numerous comments received in response to its earlier Notice regarding the public availability of Identification Lists.

SUMMARY: In a notice published on 18 April 1984 in Volume 49 to the Federal Register at page 15258 (hereinafter the Notice), the Defense Logistics Agency (DLA) announced that it planned to make Identification Lists (ILs) available to the public.

The Notice also provided that anyone submitting information included in the ILs that considered such information to be proprietary and furnished with the expectation that it would be held in confidence, should so advise DLA. Those claiming confidentiality were requested to indicate why the information in question was considered to be proprietary and to describe the circumstances under which the information was furnished the Government.

The ILs, which are published in a microfiche format by the Defense Logistics Service Center (DLSC), a DLA field activity located in Battle Creek, Michigan, contain narrative descriptions of the more than 4,000,000 items in the federal catalog.

DLA received approximately 200 comments in response to this Notice. Most asked for additional time to provide the detailed information

required to support claims of confidentiality. Others asked for specific information from DLA believed to be necessary before a complete response to the Notice could be provided. Others provided the detailed information requested to support their claims of confidentiality. Still others requested copies of the ILs.

Consistent with DLA policy prior to publication of the Notice, DLA has not and is not now releasing copies of the ILs to the public. This policy is now the subject of litigation in the District Court for the District of Columbia.

After reviewing and considering the numerous responses to the Notice, DLA has begun to specifically identify information contained in the ILs which was furnished the Government by those who responded to the Notice. This process is now underway and DLA expects that it will be complete by 15 August 1984. As this information becomes available, it will be provided to those who, in response to the Notice, claimed that they had furnished information in confidence now contained in the ILs considered to be proprietary. The information will be forwarded certified mail by DLSC; recipients will have forty-five days from the date of receipt to indicate what information if any is considered proprietary and why. DLA will upon receipt of these comments decide whether the information in question should be made available to the public and will notify all those who responded to the Notice of the results of the DLA review before any information claimed to be proprietary is released to the public.

Any companies or individuals that did not respond to the Notice may now do so by advising DLA in writing of their concerns by August 10, 1984. Within 30 days of receipt, DLA will attempt to make available to these companies and individuals whatever information they may have furnished the Government that is now a part of the ILs. This information will be forwarded certified mail by DLSC, recipients will have forty-five days from the date of receipt to indicate what information if any is considered proprietary and why. Upon receipt of these comments DLA will decide whether the information in question should be made available to the public and will notify those who respond to this second notice of the results of the DLA review before any information claimed to be proprietary is released to the public.

Individuals and companies responding to this Notice should direct those responses to DLA Headquarters, Attention DLA-SCC, Room 4D558, Cameron Station, Alexandria, Virginia 22314. Responses from those who did not respond to the April Notice must reach DLA by August 10, 1984.

DATE: Responses to this Notice must be received by DLA by August 10, 1984.

ADDRESSES: Further information about the ILs is available from DLA-SCC, Room 4D558, Cameron Station, Alexandria, Virginia 22314. Office hours are between 7:45 a.m. and 4:15 p.m., EST, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Brian Schutsky, DLA-SCC, Cameron Station, Alexandria, Virginia 22314, Telephone (202) 274-6491.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to advise those who responded to the 18 April 1984 Notice that they will be provided additional information by DLA to assist them and DLA in determining whether they have furnished in confidence information contained in the ILs considered to be proprietary, and to advise those that did not respond to the April 1984 Notice that they have until August 10, 1984, to object to the release of information they furnished to the Government which is now a part of the ILs.

Dated: July 6, 1984.

R. G. Burner,

Executive Director, Technical and Logistics Services, Defense Logistics Agency.

[FR Doc. 84-18231 Filed 7-10-84; 8:45 am]

BILLING CODE 3620-01-M

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the total number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

New

Air Force Retirees' Employment and Earnings Survey

The Conference Board, under a Department of the Air Force contract, has developed a questionnaire to assess second-career earnings of Air Force retirees. The study will estimate the differences between familial financial situations of military retirees and their civilian counterparts by examining the impacts of a military career's frequent moves on spouses' employment and earnings and on housing costs.

Air Force retirees: 4765 responses; 2173 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, Room 1C535, Pentagon, Washington, D.C. 20301, telephone (202) 694-0187

A copy of the information collection proposal may be obtained from Maj Roger W. Alford, MPXA, Rm 5C360, Pentagon, Washington, D.C. 20330, telephone (202) 697-3208.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 6, 1984.

[FR Doc. 84-18233 Filed 7-10-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Experimental and Innovative Training Program

AGENCY: Department of Education.

ACTION: Final Funding Priority for Fiscal Year 1984.

SUMMARY: The Secretary issues a final funding priority for Experimental and Innovative Training grants in order to ensure effective use of program funds and to direct funds to an area of identified need during Fiscal Year 1984.

The Secretary is announcing this priority in response to an identified training need and in support of the OSERS goal of facilitating the transition of severely disabled individuals from school to employment in order to assure a continuum of care from early childhood to maximum functioning as adults.

EFFECTIVE DATE: This priority will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of this final

funding priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Martin W. Spickler, Division of Resource Development, Office of Special Education and Rehabilitative Services, Department of Education, 401 Maryland Avenue SW., Room 3319, Switzer Building, Washington, D.C. 20202. Telephone: (202) 732–1352.

SUPPLEMENTARY INFORMATION: Grants for the Rehabilitation Training Program are authorized by Title III, Section 304 of the Rehabilitation Act of 1973, as amended. Program regulations for the Experimental and Innovative Training Program are established at 34 CFR Part 387 The purpose of the Experimental and Innovative Training Program is to develop new types of rehabilitation personnel and to demonstrate the effectiveness of these new types of personnel in providing rehabilitation services to severely handicapped persons. The program also develops new and improved methods of training rehabilitation personnel so there may be a more effective delivery of rehabilitation services by State and other rehabilitation agencies. Applicants are notified that the Secretary will be collecting data to enable him, in accordance with Rehabilitation Amendments of 1984 (Pub. L. 98–221), to target more closely awards make in future years to areas of personnel shortages.

Summary of Comments and Responses

No comments were received in response to the Notice of Proposed Funding Priority published in the Federal Register on May 18, 1984 (49 FR 21270), and therefore no changes are being made to the final priority.

The Secretary is establishing the following final funding priority for the Experimental and Innovative Training Grants Program for Fiscal Year 1984:

Final Priority

Applications must address the training of individuals who are in positions of leadership in special education and rehabilitation. The individuals to be trained may include administrators and managers of State vocational rehabilitation agencies, rehabilitation facilities, independent living centers, State and local departments of special education, and community-based organizations and agencies directly involved in providing special education and rehabilitation services to handicapped persons. The focus of the training must be the acquisition of knowledge and development of skills necessary to develop and implement cooperative agreements and service delivery programs between special education and rehabilitation to facilitate the transition of handicaped persons, especially the most severely handicapped, from school to employment.

(29 U.S.C 774)

(Catalog of Federal Domestic Assistance No. 84.129 Rehabilitation Training Programs)

Dated: July 6, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 84–18341 Filed 7–10–84; 8:45 am]

BILLING CODE 4000–01–M

Rehabilitation Long-Term Training Program

AGENCY: Department of Education.

ACTION: Final funding priorities for Fiscal Year 1984.

SUMMARY: The Secretary issues final funding priorities for long-term training grants in the fields of vocational evaluation/work adjustment, rehabilitation of the mentally ill, rehabilitation psychology, and other training fields (special education, rehabilitation coordination, management, dissemination of training materials and new knowledge, and development of training materials). To ensure effective use of program funds, the Secretary is announcing priorities to direct funds to areas of identified need during Fiscal Year 1984. The Secretary will reserve funds for applications meeting these priorities.

EFFECTIVE DATE: These priorities will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these final priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Martin W. Spickler, Division of Resource Development, Office of Special Education and Rehabilitative Services, Department of Education, 400 Maryland Avenue, SW., Room 3319, Mary E Switzer Building, Washington, D.C. 20202. Telephone: (202) 732–1352.

SUPPLEMENTARY INFORMATION: Grants for the Rehabilitation Long-Term Training Program are authorized by Title III, section 304 of the Rehabilitation Act of 1973, as amended. Program regulations are established in 34 CFR Part 386.

The purpose of the Rehabilitation Long-Term Training Program is to support projects designed for training personnel to be available for employment in public and private agencies involved in the rehabilitation of physically and mentally handicapped individuals, especially those who are the most severely handicapped. Applicants are notified that the Secretary will be collecting data to enable him, in accordance with the Rehabilitation Amendments of 1984 (Pub. L. 98–221), to target more closely awards made in future years to areas of personnel shortages.

Summary of Comment and Response

A Notice of Proposed Funding Priorities was published in the Federal Register on May 18, 1984 (49 FR 21271) and the following comment was received.

Comment

One commenter expressed support of the identification of the field of rehabilitation psychology as a priority and suggested that consideration be given to ensuring that the proposed training direct attention to the unique needs of handicapped citizens of various cultural backgrounds, including those of Native American ancestry.

Response

All training supported under the Rehabilitation Long-Term Training Program is expected to include curriculum content that takes into consideration the unique rehabilitation service delivery needs of handicapped individuals of various cultural backgrounds, including those of Native American ancestry. Therefore, no changes to the priorities have been made.

The Secretary is establishing the following final funding priorities for the Rehabilitation Long-Term Training Grants program for Fiscal Year 1984:

Final

1. Vocational Evaluation/Work Adjustment

This priority is designed to respond to projected manpower shortages in identified geographic areas in vocational evaluation/work adjustment and to promote broader geographic distribution of vocational evaluation/work adjustment training projects.

It is currently projected that the following Department of Education regions will not have vocational evaluation/work adjustment projects without RSA funding support in Fiscal Year 1984: Regions I, II, III, IV V, VII, VIII, and X. Priority will, therefore, be

given to applications proposing projects in those geographic areas.

Applications submitted under the field of vocational evaluation/work adjustment should demonstrate the need for new personnel or for upgrading the skills of employed personnel in a specific geographic area, and the application should describe how the proposed project will address those needs. The training content for employed personnel should be developed in consultation with the current employers of the rehabilitation personnel to be trained. It is estimated that a total of $900,000 will be available for the support of approximately eight new projects.

2. Rehabilitation of the Mentally Ill

The priority for applications under the field of rehabilitation of the mentally ill is for training programs designed to develop knowledge and skills necessary to furnish services for individuals who are chronically mentally ill. The training should focus on preparing personnel skilled in providing services necessary to enable chronically mentally ill individuals to participate in and benefit from vocational rehabilitation services and to maintain employment after completing vocational rehabilitation services. To foster coordination of services, the training should include joint training for supportive services and vocational rehabilitation personnel.

Supportive services for individuals who are chronically mentally ill could include such services as teaching independent living skills, arranging housing, securing services from other social agencies, and intervening in crisis situations which interfere with the individual's participation in rehabilitation services or threaten the retention of the benefits of those services.

It is estimated that a total of $350,000 will be available for the support of approximately three new projects.

3. Rehabilitation Psychology

Applications submitted under rehabilitation psychology should proposes training for psychologists currently employed or used by State vocational rehabilitation agencies or rehabilitation facilities to provide diagnostic services or psychological consultation. The purpose of the training should be to improve services to learning disabled individuals by upgrading the skills of these personnel to diagnose, treat, and plan rehabilitation services for learning disabled individuals and to facilitate the transition of learning disabled youth from school to employment.

It is estimated that a total of $112,000 will be available for the support of one new project.

Other Training Fields Not Enumerated in the Statute That Contribute to the Rehabilitation of Handicapped Individuals

The six priorities under this field are for programs to: train personnel to coordinate special education and rehabilitation services for learning disabled persons; train State agency managerial personnel and rehabilitation trainers train managers for rehabilitation facilities, train managers for independent living centers; disseminate training materials and information and develop training materials.

All applications submitted in response to these priorities should be national in scope, and the activities carried out under these projects should be appropriate for general use throughout the country and available to individuals throughout the country.

1. Special Education—Rehabilitation Coordination

Applications submitted under this priority should be targeted to the training of State vocational rehabilitation agency and rehabilitation facility personnel. The training content should address diagnosis, determination of eligibility, and delivery of rehabilitation services to individuals who are learning disabled, especially as related to achieving improved coordination between special education and rehabilitation and facilitating the transition of individuals who are learning disabled from special education to rehabilitation service delivery programs.

It is estimated that $100,000 will be available for the support of one project.

2. Management: State Agencies

Applications submitted under this priority are to develop training programs targeted to State vocational rehabilitation agency managerial personnel (e.g., administrators and evaluators) and rehabilitation trainers (e.g., trainers within State vocational rehabilitation agencies and Rehabilitation Continuing Education Programs). The content should be based on the Title I State/Federal Program and Procedural Standards which were developed through an RSA contract. Program Standards are value statements reflecting program mission and intent. They are accompanied by statistical measures which allow for evaluation of agency performance in each of the Standards areas. Procedural Standards cover essential aspects of service recording and delivery which are addressed by case review.

Training proposal in response to this priority should be based on these training materials. RSA will provide to interested applicants information regarding the details of the Title I State/Federal program and Procedural Standards and training materials previously developed for RSA.

It is estimated that $93,000 will be available for the support of one project.

3. Management: Facilities

Applications submitted under this priority should be directed to the training of rehabilitation facility personnel and State vocational rehabilitation agency facility specialists. Both a resource manual and accompanying training manual have been developed under contract for RSA. The resource manual is entitled "Selected Aspects of Financial Management in Rehabilitation Facilities." A set of guidelines, entitled "Guidelines for Agreements Between State Rehabilitation Agencies and Rehabilitation Facilities," and accompanying discussion manual have also been developed for RSA. Training content developed in response to this priority should be based on these training materials. Interested applicants can obtain copies of these materials from RSA.

It is estimated that $93,000 will be available for the support of one project.

4. Management: Independent Living Centers

Applications submitted under this priority should address training to develop and upgrade the management skills of personnel in independent living centers. Applications should identify specific management needs, provide for a coordinated and sequential training program to meet those needs, and demonstrate that the proposed training needs cannot be met by ongoing programs in the geographic area.

It is estimated that $93,000 will be available for the support of one project.

5. Dissemination of Training Materials

Applications submitted under this priority should be directed to the dissemination of rehabilitation training materials. This priority is intended to ensure that training materials of all types developed under the RSA Training Program and other training materials releant for the training of rehabilitation personnel are available for dissemination to the rehabilitation community. Applications submitted

under this priority should demonstrate the need for this training activity, define the proposed approach to be utilized, and substantiate the cost effectiveness of the proposed approach.

It is estimated that $125,000 will be available for the support of one project.

6. Development of Training Material

An application submitted under this priority should be for the development of materials designed to train personnel in the areas of vocational evaluation/work adjustment service delivery, rehabilitation facility administration, and job placement service delivery. The project should include within its scope activities directed to the development of training materials that can be self-instructional. The target audience for the training materials should be vocational rehabilitation facilities, rehabilitation-focused university training programs, and other programs providing rehabilitation services. Applications submitted under this priority should demonstrate the need for this training activity, define the proposed approach, and substantiate the cost effectiveness of the proposed approach.

It is estimated that $100,000 will be available for the support of one project.

(29 U.S.C. 774)

(Information collection requirements contained in this notice have been approved under OMB control number 1820-0018)

(Catalog of Federal Domestic Assistance No. 84.129 Rehabilitation Training Program)

Dated: July 6, 1984.

T.H. Bell,

Secretary of Education.

[FR Doc. 84-18342 Filed 7-10-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

[Docket No. ER84-504-000]

Allegheny Power Service Corp., Filing

July 5, 1984.

The filing Company submits the following:

Take notice that on June 20, 1984, Allegheny Power Service Corporation, acting on behalf of Monogahela Power Company (MP), the Potomac Edison Company (PE), West Penn Power Company (WPP), and Allegheny Generating Company (AGC), (collectively "the Parties") tendered for filing an initial rate schedule.

The schedule is designed for pricing sales from the Bath County Pumped Storage Project (Bath Project) under construction by Virginia Electric and Power Company (VEPCO) and provides for the payment by MP PE, and WPP for a share of the Bath Project owned by AGC. It also provides for the pass-through by AGC to MP PE and WPP of the cost of a share of capacity to be purchased from VEPCO, the rates for which are to be the subject of a subsequent filing by VEPCO.

The Parties requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon the Pulbic Utilities Commission of Ohio, the Maryland Public Service Commission, the Pennsylvania Public Utility Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 18, 1984. Protests will considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18255 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-348-001]

American Electric Power Service Corp., Supplemental Filing

July 3, 1984.

Take notice that on June 22, 1984, American Electric Power Service Corporation (AEP) on behalf of Appalachian Power Company, Columbus and Southern Ohio Electric Company, Indiana & Michigan Electric Company, Kentucky Power Company, and Ohio Power Company submitted for filing supplemental information regarding the AEP System EHV Transmission Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18247 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-11-004]

Columbia Gas Transmission Corp., Tariff Filing

July 3, 1984.

Take notice that on June 29, 1984, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following tariff sheets to its FERC Gas Tariff with a proposed effective date of August 5, 1984:

Original Volume No. 1

Ninth Revised Sheet No. 1
First Revised Sheet No. 1A
Original Sheet No. 16A1
Original Sheet No. 45
Original Sheet No. 45A
Original Sheet No. 45B
Original Sheet No. 45C
Original Sheet No. 45D
Original Sheet No. 45E
Original Sheet No. 45F

Original Volume No. 1-A

First Revised Sheet No. 1

Columbia states that the purpose of this filing is to transfer Rate Schedules TS-1 and TS-2 from Columbia's Original Volume No. 1-A Tariff to its Original Volume No. 1 Tariff and also to provide for the cancellation of Columbia's Original Volume No. 1-A Tariff. Rate Schedules TS-1 and TS-2 set forth the terms pursuant to which Columbia will perform transportation pursuant to § 157.209 of the Commission's Regulations.

Rate Schedules TS-1 and TS-2 were initially contained in Original Volume No. 1-A for a one-year period so that all transportation services under these Rate Schedules would be placed in a priority below Columbia's sales and firm transportation services in the event of inadequate capacity on Columbia's system. All transportation agreements pursuant to § 157.209 now provide that they will be given lower priority than Columbia's sales and firm transportation arrangements.

Columbia requests the Commission grant waiver of that portion of §154.64

requiring a statement reflecting transportation performed and revenue related thereto, and any other Commission Regulations it may deem necessary for the acceptance of this filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before July 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18248 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-505-000]

Columbia Gas Transmission Corp., Request Under Blanket Authorization

July 5, 1984.

Take notice that on June 20, 1984, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-505-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of J.H. France Refractories Company (J.H. France) under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 1 billion Btu of natural gas per day for J.H. France for a term of one year. Columbia states that the gas to be transported would be purchased from Park Ohio Energy, Inc. (POI), and would be used for boiler fuel and process gas in J.H. France's plant in Snow Shore, Pennsylvania.

Columbia states that it has released certain gas supplies which J.H. France has purchased from POI and that these supplies are subject to the ceiling price provisions of sections 102, 103, 107 and 108 of the Natural Gas Policy Act of 1978. It is indicated that Columbia would receive up to 1 billion Btu of natural gas per day delivered into its pipeline systems at existing interconnections in Holmes, Trumbal, Washington, Coshocton, Monroe, Medina, Wayne, Knox, Perry, Vinton, Licking, Noble, Mahoning, Columbiana, Muskingum, Meigs, Gallia, Harrison, Athens and Hocking Counties, Ohio; Raleigh, Cabell, Lincoln and Kanawha Counties, West Virgina; Clearfield, Indiana and Clarion Counties, Pennsylvania; and Pike County, Kentucky, and would redeliver such gas to Columbia Gas of Pennsylvania, Inc., the distribution company serving J.H. France.

Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent of gas, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. Columbia also states that it is charging the Gas Research Institute Funding Unit.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18250 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-246-002]

El Paso Natural Gas Co., Tariff Filing

July 3, 1984.

Take notice that on June 29, 1984, El Paso Natural Gas Company ("El Paso"), in compliance with the Federal Energy Regulatory Commission's ("Commission") order issued August 9, 1983 at Docket No. CP83-246-000, tendered First Revised Sheet Nos. 1460 and 1481 through 1484, and Original Sheet Nos. 1484-A through 1484-E to special Rate Schedule X-59 contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2, for filing and acceptance pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act.

El Paso states that special Rate Schedule X-59 is comprised of a Gas Exchange Agreement dated November 24, 1980 ("Exchange Agreement") between El Paso and Tenneco Oil Company ("Tenneco") providing for the exchange of natural gas owned or otherwise controlled by Tenneco from reserves in the San Juan Basin area of southwest Colorado and northwest New Mexico, and natural gas owned or otherwise controlled by El Paso from reserves in the Gulf Coast area of the States of Texas and Louisiana. El Paso and Tenneco received certificate authorization to implement the exchange arrangement, including blanket authority to add and delete receipt and delivery points thereunder, by Commission order issued August 9, 1983 at Docket No. CP83-246-000.

Ordering paragraph (F) of the Commission's August 9, 1983 order requires El Paso to file, on July 1 of each year, revised exhibits to the Exchange Agreement reflecting receipt and delivery points added to or deleted from the exchange during the preceding 12 months. In compliance therewith, tendered First Revised Sheet Nos. 1481 through 1484 and Original Sheet Nos. 1484-A through 1484-E, when accepted for filing and permitted to become effective, will revise Exhibit A to the Exchange Agreement, in accordance with the provisions of an Amendatory Agreement dated June 1, 1984 between El Paso and Tenneco, to (i) modify the format thereof for administrative convenience; (ii) correct the location of two receipt points currently set forth on Exhibit A; and (iii) reflect the addition of a number of wells and related information as receipt points under the exchange. Tendered First Revised Sheet No. 1460 will update the title page to special Rate Schedule X-59 to reflect the date of the aforementioned Amendatory Agreement.

El Paso requests that the tendered tariff sheets be accepted by the Commission and permitted to become effective thirty (30) days after the date of filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with §§385.214 and 385.211 of this chapter. All such motions or protests should be filed on or before July 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18249 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-501-000]

Florida Power Corp., Filing

July 5, 1984.

The filing Company submits the following:

Take notice that on June 18, 1984, Florida Power Corporation (Florida) tendered for filing amendments to Service Schedules A, B, and G to the Contract for Interchange Service dated August 1, 1983 between Florida and Seminole Electric Cooperative, Inc. (Seminole) and revisions to the cost support schedules for interchange service rendered to Seminole under those service schedules. According to Florida, the amendments to the service schedules are necessary in order to waive the usual transmission-related charges for interchange purchases by Seminole for the purpose of replacing Seminole's committed capacity, which are used to serve Seminole load in Florida's control area, because for those purchases the transmission-related charges are recovered under another contract between Florida and Seminole. For other interchange purchases by Seminole, the usual transmission-related changes will continue to apply.

Florida states that it also proposes to revise its cost support schedules for interchange service rendered to Seminole under Service Schedules A, B, and G in order to reflect rates both with and without the transmission-related charges. Florida requests waiver of the sixty day notice requirement and agrees to refund the amounts charged in excess of the revised rates since the inception of the Contract of Interchange Service. According to Florida, the filing has been served on Seminole and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 17 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18257 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-503-000]

Iowa-Illinois Gas and Electric Co., Filing

July 5, 1984.

The filing Company submits the following:

Take notice that on June 20, 1984, Iowa-Illinois Gas and Electric Company (Iowa-Illinois), tendered for filing the First Amendment (dated June 1, 1984) to Facilities Schedule No. 1 (Substation 54 at 69 kV) dated February 22, 1982, amending an addendum to Service Schedule C of the Facilities Agreement of September 4, 1981, as amended, with Interstate Power Company.

Iowa-Illinois states that Facilities Schedule No. 1, relating to certain facilities installed by Interstate in respect of Iowa-Illinois' Substation 54 near Camanche, Iowa, included an Exhibit A (Pro-forma) reflecting then estimated costs of the facilities placed in service on December 23, 1982.

Iowa-Illinois requests an effective date of December 23, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Interstate, the Iowa State Commerce Commission, the Illinois Commerce Commission, and the Minnesota Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18258 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-480-000]

Midwestern Gas Transmission Co., Application

July 5, 1984.

Take notice that on June 13, 1984, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-480-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing transportation services on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to render transportation services for Tennessee pursuant to the terms of a gas transportation agreement (Agreement) between Applicant and Tennessee dated May 11, 1984. Applicant states that, pursuant to the provisions of the Agreement, Applicant, on its Northern System, has agreed to endeavor to accept and receive daily, as permitted in Applicant's sole opinion by operating conditions on its system, up to 50,000 Mcf of natural gas per day for the account of Tennessee at points of receipt located at (1) an existing point of interconnection between the facilities of Applicant and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern Natural), near North Branch, Minnesota (North Branch receipt point), and/or (2) an existing point of interconnection between the facilities of Applicant and Northern Natural near Cambridge, Minnesota (Cambridge receipt point). Applicant avers that Tennessee has the right to cause Northern Natural to deliver gas for its accounts to Applicant at the above-referenced points of receipt pursuant to a gas transportation agreement between

Tennessee and Northern Natural dated May 11, 1984. Applicant states that Northern Natural plans to file an application with the Commission seeking authorization to render such transportation service for Tennessee in the near future. Applicant proposes to deliver equivalent volumes, less volumes for Applicant's fuel and use requirements, for Tennessee's account to ANR Pipeline Company (ANR) at an existing point of interconnection between Applicant and ANR located near Marshfield, Wisconsin (Marshfield delivery point).

Additionally, Applicant states that, on its Southern System, it has agreed to accept and receive daily on a firm basis up to 50,000 Mcf of natural gas per day for Tennessee at a point of receipt at the existing point of interconnection between the facilities of Applicant and ANR located near Chrisney, Indiana (Chrisney receipt point). Applicant proposes to deliver equivalent volumes, less volumes for Applicant's fuel and use requirements, to Tennessee at the existing point of interconnection between Applicant and Tennessee located near Portland, Tennessee (Portland delivery point). It is stated that ANR has agreed to transport and deliver gas for Tennessee's account to Applicant at the Chrisney receipt point and/or Will County, Illinois, pursuant to the terms of a gas transportation agreement between Tennessee and ANR dated May 11, 1984. (It is stated that deliveries of volumes by ANR for Tennessee's account to Applicant at Will County, Illinois, would be received by Applicant as part of Tennessee's sales deliveries to Applicant under the terms of the gas sales contract between Applicant and Tennessee dated February 24, 1982.) Applicant states that ANR plans to file an application with the Commission seeking authorization to render such transportation service for Tennessee in the near future.

With respect to each transportation service to be rendered by Applicant, Applicant states that it has the right, but not the obligation, to accept for transportation volumes in excess of 50,000 Mcf per day. Applicant states that these transportation arrangements would enable Tennessee to move its purchase gas volumes from Trailblazer Pipeline Company to its system.

It is stated that Tennessee would pay Applicant for the transportation services.

(1) The North Branch Transportation Rate, which would be equal to the product of the miles through Applicant's system from the North Branch receipt point to the Marshfield delivery point divided by 100 and the unit cost of transportation per 100 Mcf miles underlying Applicant's Northern System rates in effect on any day. Currently, the North Branch Transportation Rate is 4.89 cents per Mcf.

(2) The Cambridge Transportation Rate, which would be equal to the product of the miles through Applicant's system from the Cambridge receipt point to the Marshfield delivery point divided by 100 and the unit cost of transportation per 100 Mcf miles underlying Applicant's Northern System rates in effect on any day. Currently, the Cambridge Transportation Rate is 5.43 cents per Mcf.

(3) The Chrisney Transportation Rate, which would be qual to the product of the miles through Applicant's system from the Chrisney receipt point to the Portland delivery point divided by 100 and the unit cost of transportation per 100 Mcf miles underlying Applicant's Southern System rates in effect on any day. Currently, the Chrisney Transportation Rate is 2.36 cents per Mcf.

In addition, it is stated that Tennessee would provide to Applicant a daily volume of gas for Applicant's system fuel and use requirements equal to 0.015, 0.0168 and 0.005 of the volumes received from Tennessee hereunder on any day at the North Branch, Cambridge and Chrisney receipt points, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18260 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-479-000]

Midwestern Gas Transmission Co., Application

July 5, 1984.

Take notice that on June 12, 1984, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-479-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Midwestern on its Southern Division to increase maximum contract quantities for certain of its small customers all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Midwestern proposes to provide additional firm daily natural gas service to certain of the small communities which are wholly dependent on Midwestern's Southern System for natural gas service.

The names of the customers, their applicable rate schedule under which service is rendered and the existing and proposed increases in maximum contract quantity (MCQ) for which Applicant seeks authorization herein are as follows:

Company	Rate schedule	Maximum contract quantity requested		
		Existing (Mcf)	Change (Mcf)	Revised (Mcf)
Central Illinois Light Co.	SR-1	365	735	1,100
Central Illinois Public Service Co.	SR-1	[1] 556	300	856
Grandview, IN (Town of)	SR-1	305	150	455
Marshall, Martinsville and Casey IL (Cities of)	SR-1	4,602	498	5,100
Morgantown, KY (City of)	SR-1	556	200	756
Total increase in MCQ	SR-1		1,833	

[1] Aggregate of three delivery points.

It is submitted that the particular customers requesting the proposed service are experiencing increases in

their market needs. Further, Midwestern states that the proposed changes in service would allow these customers to satisfy, on a firm basis, growth in high priority markets which, in part, are being served by purchases of interruptible gas from Midwestern.

Midwestern states that it is able to render the aforesaid additional firm service by means of existing facilities on its Southern system.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Midwestern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18259 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-490-000]

Montaup Electric Co., Filing

July 5, 1984.

The filing Company submits the following:

Take notice that on June 12, 1984, Montaup Electric Company (Montaup) tendered for filing an executed agreement between Montaup and Connecticut Light & Power and Western Massachusetts Electric (N.U. Companies). The agreement, dated effective October 1, 1983, provides for the purchase of a variable amount (0–10,000 Kw max.) of system power, the precise amount to be determined on a monthly or weekly basis by the parties.

Montaup requests an effective date of October 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) All such motions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and area vailable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18261 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[ST84-780-000, et al.]

Northern Natural Gas Company, et al., Self-Implementing Transactions

July 5, 1984.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipent" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any intersted person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distributing company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (MMBtu)
ST84-780	Northern Natural Gas Co	Kansas Power and Light Co	5-02-84	B	—	
ST84-781	East Tennessee Natural Gas Co	Tennessee Gas Pipeline Co	5-02-84	G		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (MMBtu)
ST84-782	Natural Gas Pipeline Co. of Amenca	Esperanza Transmission Co	5-04-84	B		
ST84-783	Columbia Gas Transmission Corp	Chemetals, Inc	5-04-84	F(157)	[3]	
ST84-784	Columbia Gas Transmission Corp	Chesapeake Paperboard Co	5-04-84	F(157)		
ST84-785	Columbia Gas Transmission Corp	Libby-Owens-Ford Co	5-04-84	F(157)		
ST84-786	Columbia Gas Transmission Corp	Webster Brick Co., Inc	5-04-84	F(157)		
ST84-787	Texas Eastern Transmission Corp	Gasdel Pipeline System Inc	5-04-84	G		
ST84-788	Oklahoma Natural Gas Co	Bridgeline Gas Distribution Co	5-07-84	D	10-04-84	10.00
ST84-789	Consolidated Gas Transmission Corp	West Ohio Gas Co	5-07-84	B		
ST84-790	United Gas Pipe Line Co	Tennessee Gas Pipeline Co	5-08-84	G		
ST84-791	Llano, Inc	Tennessee Gas Pipeline Co	5-03-84	C	10-06-84	10.20/27.20
ST84-792	Colorado Interstate Gas Co	Fioneer Transmission Corp	5-03-84	B		
ST84-793	Northwest Central Pipeline Corp	NGL Production Co	5-03-84	F(157)		
ST84-794	Channel Industnes Gas Co	Entex, Inc	4-26-84	C		
ST84-795	Northwest Pipeline Corp	Chevron Chemical Co	5-10-84	F(157)		
ST84-796	Oklahoma Natural Gas Co	Bridgeline Gas Distribution Co	5-10-84	D	10-07-84	13.00
ST84-797	Mountain Fuel Supply Co	Reichhold Chemicals, Inc	5-10-84	F(157)		
ST84-798	Transcontinental Gas Pipe Line Corp	Tejas Gas Corp	5-11-84	B		
ST84-799	Transcontinental Gas Pipe Line Corp	Tennessee Gas Pipeline Co	5-11-84	G		
ST84-800	Natural Gas Pipeline Co. of Amenca	Valero Transmission Co	5-11-84	B		
ST84-801	Florida Gas Transmission Co	Valero Transmission Co	5-11-84	B		
ST84-802	Northern Natural Gas Co	Coronado Transmission Co	5-11-84	B		
ST84-803	Delhi Gas Pipeline Corp	Florida Gas Transmission Co	5-11-84	D	10-03-84	10.00
ST84-804	Acadian Gas Pipeline System	ANR Pipeline Co	5-11-84	C		
ST84-805	Trunkline Gas Co	Houston Pipe Line Co	5-11-84	B		
ST84-806	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	5-11-84	G		
ST84-807	Northern Natural Gas Co	Great Plains Coal Gas. Associates	5-14-84	F(157)		
ST84-808	Transcontinental Gas Pipe Line Corp	Lynchburg Gas Co	5-14-84	B		
ST84-809	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	5-14-84	B		
ST84-810	Tennessee Gas Pipeline Co	Entex, Inc	5-14-84	B		
ST84-811	Columbia Gulf Transmission Co	Transcontinental Gas Pipe Line Corp	5-14-84	G		812
ST84-812	Panhandle Eastern Pipe Line Co	Reilly Tar and Chem. Corp., et al	4-03-84	F(157)		
ST84-813	National Fuel Gas Supply Corp	Erie Wastewater Treatment Plant	5-14-84	F(157)		
ST84-814	Columbia Gas Transmission Corp	Anchor Hocking Corp	5-15-84	F(157)		
ST84-815	Columbia Gas Transmission Corp	J. H. France Refractories Co	5-15-84	F(157)		
ST84-816	Columbia Gas Transmission Corp	Globo Refractories, Inc	5-15-84	F(157)		
ST84-817	Columbia Gas Transmission Corp	Ludlow Corp	5-15-84	F(157)		
ST84-818	Columbia Gas Transmission Corp	Transue and Williams	5-15-84	F(157)		
ST84-819	Columbia Gas Transmission Corp	West Ohio Gas Co	5-15-84	B		
ST84-820	Texas Eastern Transmission Corp	United Gas Pipe Line Co	5-15-84	G		
ST84-821	Transcontinental Gas Pipe Line Corp	Consolidated Edison Co. of New York	5-16-84	B		
ST84-822	Transcontinental Gas Pipe Line Corp	Jersey Central Power and Light Co	5-03-84	F(157)		
ST84-823	Northwest Pipeline Corp	Reichhold Chemical, Inc	5-16-84	F(157)		
ST84-824	Northwest Pipeline Corp	NGL Production Co	5-16-84	F(157)		
ST84-825	Columbia Gulf Transmission Co	Pontchartrain Natural Gas System	5-16-84	B		
ST84-826	United Gas Pipe Line Co	Texas Eastern Transmission Corp	5-16-84	G		
ST84-827	United Gas Pipe Line Co	Public Service Electric and Gas Co	5-16-84	B		
ST84-828	ANR Pipeline Co	Knox College	5-17-84	F(157)		
ST84-829	Tennessee Gas Pipeline Co	Washington Gas Light Co	5-17-84	B		
ST84-830	Mountain Fuel Supply Co	NGL Production Co	5-16-84	F(157)		
ST84-831	Transcontinental Gas Pipe Line Corp	Owens-Corning Fiberglas Corp	5-21-84	F(157)		
ST84-832	Transcontinental Gas Pipe Line Corp	Owens-Corning Fiberglas Corp	5-21-84	F(157)		
ST84-833	Transcontinental Gas Pipe Line Corp	Columbia Gulf Transmission Co	5-21-84	G		
ST84-834	Transcontinental Gas Pipe Line Corp	Entex, Inc	5-21-84	B		
ST84-835	Transcontinental Gas Pipe Line Corp	Delhi Gas Pipeline Corp	5-21-84	B		
ST84-836	Transcontinental Gas Pipe Line Corp	Eastern Shore Natural Gas Co	5-21-84	G		
ST84-837	Tennessee Gas Pipeline Co	Northern Natural Gas Co	5-21-84	G		
ST84-838	ANR Pipeline Co	The Kansas Power and Light Co	5-21-84	B		
ST84-839	ANR Pipeline Co	Pontchartrain Natural Gas System	5-21-84	B		
ST84-840	Columbia Gas Transmission Corp	Container Corp. of America	5-22-84	F(157)		
ST84-841	Columbia Gas Transmission Corp	Mead Corp	5-22-84	F(157)		
ST84-842	Tennessee Gas Pipeline Co	Bay State Gas Co	5-23-84	B		
ST84-843	Southern Natural Gas Co	Florida Gas Transmission Co	5-23-84	G		
ST84-844	Northwest Central Pipeline Corp	Northwest Pipeline Corp	5-23-84	G		
ST84-845	ANR Pipeline Co	Bridgeline Gas Distribution Co	5-23-84	B		
ST84-846	ANR Pipeline Co	Monterey Pipeline Co	5-23-84	B		847
ST84-847	Mississippi Fuel Co	Transcontinental Gas Pipe Line Co	5-23-84	C	10-20-84	16.53
ST84-848	Transcontinental Gas Pipe Line Corp	Delmarva Power and Light Co	5-24-84	B		
ST84-849	Transcontinental Gas Pipe Line Corp	Carolina Pipeline Co	5-24-84	B		
ST84-850	Transcontinental Gas Pipe Line Corp	Washington Gas Light Co	5-24-84	B		
ST84-851	Panhandle Eastern Pipe Line Co	R. R. Donnelley and Sons Co	5-25-84	F(157)		
ST84-852	Panhandle Eastern Pipe Line Co	Michigan Paperboard Corp	5-25-84	F(157)		
ST84-853	Panhandle Eastern Pipe Line Co	St. Regis Paper Co	5-25-84	F(157)		
ST84-854	Panhandle Eastern Pipe Line Co	Brockway, Inc	5-25-84	F(157)		
ST84-855	Panhandle Eastern Pipe Line Co	James River Corp	5-25-84	F(157)		
ST84-856	Michigan Gas Storage Co	Consumers Power Co	5-25-84	B		
ST84-857	Mississippi River Transmission Corp	Acadian Gas Pipeline Corp	5-25-84	B		
ST84-858	Delhi Gas Pipeline Corp	Natural Gas Pipeline Co. of America	5-25-84	C		
ST84-859	Delhi Gas Pipeline Corp	Mississippi River Transmission Corp	5-25-84	D		
ST84-860	Michigan Consolidated Gas Co	ANR Pipeline Co	5-23-84	G/F(157)		
ST84-861	Michigan Gas Storage Co	Consumers Power Co	5-23-84	B		
ST84-862	Michigan Gas Storage Co	Consumers Power Co	5-23-84	B		
ST84-863	Transcontinental Gas Pipe Line Corp	Jersey Central Power and Light Co	5-23-84	F(157)		
ST84-864	Transcontinental GAs Pipe Line Corp	Riegel Paper Products Corp	5-23-84	F(157)		
ST84-865	Northwest Pipeline Corp	NGL Production Co	5-23-84	F(157)		
ST84-866	Panhandle Eastern Pipe Line Co	Dow Corning Corp	5-23-84	F(157)		
ST84-867	Northwest Central Pipeline Corp	Producer's Gas Co	5-23-84	B		
ST84-868	Panhandle Eastern Pipe Line Co	Allied Paper, Inc	5-23-84	F(157)		
ST84-869	United Gas Pipe Line Co	Reliance Pipeline Co	5-30-84	B		
ST84-870	Tennessee Gas Pipeline Co	Intrastate Gathering Corp	5-30-84	B		
ST84-871	IMC Pipeline Co., Inc	Gulf South Pipeline Co	5-23-84	C		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (MMBtu)
ST84-872	ANR Pipeline Co	Galesburg Cottage Hospital	5-30-84	F(157)		
ST84-873	ANR Pipeline Co	Natural Gas Pipeline Co. of Amenca	5-30-84	G		
ST84-874	Tennessee Gas Pipeline Co	Riverside Pipeline Co	5-31-84	B		
ST84-875	Columbia Gas Transmission Corp	Broughton Foods Co	5-31-84	F(157)		
ST84-876	Columbia Gas Transmission Corp	Glen-Gery Corp	5-31-84	F(157)		
ST84-877	Arkansas Louisiana Gas Co	Aluminum Co. of Amenca	5-31-84	F(157)		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to § 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 84-16262 Filed 7-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-502-000]

Pacific Power & Light Co., Filing

July 5, 1984.

The filing Company submits the following:

Take notice that on June 18, 1984, Pacific Power & Light Company (PP&L) tendered for filing PP&L's Revised Appendix 1 for the State of Washington. The Revised Appendix 1 calculates an average system cost for the state of Washington applicable to the exchange of power between Bonneville Power Administration (Bonneville) and PP&L.

PP&L requests an effective date on February 2, 1984, and therefore request waiver of the Commission's notice requirements.

Copies of this filing have been served upon Bonneville, Washington Utilities and Transportation Commission and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 17 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16263 Filed 7-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-506-000]

Ohio Edison Co., Filing

July 3, 1984.

The filing Company submits the following:

Take notice that on June 22, 1984, Ohio Edison Company (Ohio) tendered for filing a proposed change in its FERC electric service tariff FERC No. 66, an amendment No. 6 to the Interconnection Agreement between the Dayton Power and Light Company and Ohio. The amendment provides for a transmission demand charge for third party transmission of Short-Term Power.

Ohio requests an effective date of June 10, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-16251 Filed 7-10-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-485-000]

Panhandle Eastern Pipe Line Co., Request Under Blanket Authorization

July 5, 1984.

Take notice that on June 14, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-485-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act that Panhandle proposes to transport natural gas on behalf of Mueller Brass Company (Mueller) under the authorization issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle proposes to receive from Mueller up to 2,000 Mcf of gas per day at any of four receipt points in Cimarron County, Oklahoma, and redeliver equivalent volumes less four percent reduction for fuel to a point of interconnection of the facilities of Panhandle and Southeastern Michigan Gas Company (Southeastern) in Oakland County, Michigan, where Panhandle would redeliver to Southeastern on a best-efforts basis. Panhandle indicates that Southeastern would make ultimate redeliveries to Mueller.

Panhandle indicates that Mueller is a direct industrial customer of Panhandle. Panhandle indicates that the annual volume, average day flow and peak day flow would be 547,000 Mcf, 1,500 Mcf and 2,000 Mcf, respectively. Panhandle indicates it would charge for its service the rate provided under its Rate Schedule OST.

Panhandle has supplied a statement from Southeastern indicating that it has sufficient capacity to transport the gas without adversely affecting service to its other customers.

Panhandle indicates that the proposed transportation would be rendered through the use of its existing facilities and would not require the construction of any new facilities.

Panhandle also states that the gas would be used for manufacturing process gas at its facilities in Michigan. Panhandle indicates that the gas

purchased by Mueller is released gas and that the base purchase price if Panhandle were still purchasing the gas would be the maximum lawful Natural Gas Policy Act of 1978 (NGPA) sections 102 and 103 prices. Panhandle states that the price under the gas purchase contract between Mueller and its supplier, Don D. Montgomery, Jr., d/b/a Monexco, is $2.80 per million Btu.

Panhandle also indicates that it may need to add or delete sources of supply or receipt/delivery points which would be for the benefit of the same end-user at the same end-user location and within the maximum daily and annual volumes authorized in this docket. It advises that within 30 days of the addition or deletion of any gas supplies and/or receipt/delivery points, Panhandle intends to file the following information in this docket:

(i) Copy of the gas purchase contract between the seller and the end-user;

(ii) Statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor and if so, identification of the parties, and specification of the current contract price;

(iii) Statement of the NGPA pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(iv) Statement that the gas is not committed or dedicated within the meaning of NGPA section 2(18);

(v) Location of the receipt/delivery points being added or deleted. For deletions provide the name of the producer/supplier;

(vi) Where an intermediary participates in the transaction between the seller and the end-user, the information required by § 157.209(c)(1)(ix);

(vii) Identity of any other pipeline involved in the transport.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18094 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-486-000]

Panhandle Eastern Pipe Line Co., Request Under Blanket Authorization

July 5, 1984.

Take notice that on June 14, 1984, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-486-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act that Panhandle proposes to transport natural gas on behalf of Harbison Walker Refractories (Harbison) under the authorization issued in Docket No. CP83-83-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle proposes to receive from Harbison up to 3,500 Mcf of gas per day at any of various receipt points in Adams County, Colorado, and Custer County, Oklahoma, and redeliver equivalent volumes less four percent reduction for fuel to Harbison at Fulton and Vandalia, Missouri, on a best-efforts basis. Panhandle indicates that Harbison is a direct sale customer of Panhandle. Panhandle indicates that the annual volume, average day flow and peak day flow would be 985,500 Mcf, 3,500 Mcf and 2,700 Mcf, respectively. Panhandle indicates it would charge for its service the rate provided under its Rate Schedule OST.

Panhandle indicates that it has sufficient capacity to transport the gas without adversely affecting service to its other customers. It is indicated that CGT, Inc., and Anadarko Land and Exploration Company, Harbison's suppliers of gas to be transported, would not collect a price in excess of the applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Panhandle indicates that the proposed transportation would be rendered through the use of its existing facilities and would not require the construction of any new facilities.

Panhandle also states that the gas would be used for various process uses and space heating at Harbison's facilities in Fulton and Vandalia, Missouri. Panhandle indicates that the gas purchased by Harbison is released gas and that the base purchase price if Panhandle were still purchasing the gas would be the maximum lawful NGPA Section 103 price.

Panhandle also indicates that it may need to add or delete sources of supply or receipt/delivery points which would be for the benefit of the same end-users at the same end-user location and within the maximum daily and annual volumes authorized in this docket. It advises that within 30 days of the addition or deletion of any gas suppliers and/or receipt/delivery points, Panhandle intends to file the following information in this docket:

(i) Copy of the gas purchase contract between the seller and the end-user;

(ii) Statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor and if so, identification of the parties, and specification of the current contract price;

(iii) Statement of the NGPA pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(iv) Statement that the gas is not committed or dedicated within the meaning of NGPA section 2(18);

(v) Location of the receipt/delivery points being added or deleted. For deletions provide the name of the producer/supplier;

(vi) Where an intermediary participates in the transaction between the seller and the end-user, the information required by section 157.209(c)(1)(ix);

(vii) Identity of any other pipeline involved in the transport.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18095 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-779-010]

Pennsylvania Power Co., Compliance Filing

July 2, 1984.

Take notice that on June 22, 1984, Pennsylvania Power Company ("Penn Power") in compliance with the Commission's Opinion No. 211 of March 22, 1984 and clarifying Opinion No. 211–A of May 23, 1984, submitted a Compliance Filing. This filing reflects the FERC cost of service in Appendix A of Opinion No. 211 together with a revenue analysis and appropriate rate schedule.

Copies of the filing were served upon Penn Power's jurisdictional customers and upon other parties on the service list.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 16, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1250 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-505-000]

Puget Sound Power & Light Co., Filing

July 5, 1984.

The filing Company submits the following:

Take notice that on June 21, 1984, Puget Sound Power and Light Company (Puget) tendered for filing Schedule 5 of Appendix 1 to the Residential Purchase and Sale Agreement, Contract No. DE–MS79–81BP90604, between Puget and the Bonneville Power Administration. Puget states that Schedule 5 reflects the winter trimester Energy Cost Adjustment Clause (ECAC) # 6 Average System Cost filing efective February 1, 1984, through May 31, 1984. In addition, Puget tendered for filing BPA report dated May 31, 1984, pertaining to the above ECAC # 6 filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18266 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-477-002]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Petition To Amend

July 5, 1984.

Take notice that on May 17 1984, Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79–477–002 a petition to amend the Commission's order issued January 21, 1980, in Docket No. CP79–477 pursuant to section 7(c) of the Natural Gas Act so as to authorize revised transportation services for United Gas Pipe Line Company (United) and Northern Natural Gas Company, a Division of InterNorth, Inc. (Northern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that in Docket No. CP79–477 it was authorized to transport up to 30,000 Mcf of natural gas per day produced from West Cameron Block 222, offshore Louisiana, through Petitioner's existing facilities commencing at West Cameron Block 192 to various points of delivery for Northern, United, Transcontinental Gas Pipe Line Corporation and Texas Eastern Transmission Corporation. Petitioner states that it is presently authorized to transport up to 7,500 Mcf of natural gas per day for each of the four shippers.

Petitioner states that it seeks an amendment of the order of January 21, 1980, so as to authorize a revision in the transportation quantity for United from 7,500 Mcf of natural gas per day to 2,000 Mcf per day; provided, however, that Petitioner may exercise its option to transport additional volumes of gas if such are tendered by United and accepted by Petitioner. It is indicated that this would cause an overall reduction in the volume of gas authorized to be transported pursuant to the certificate herein from 30,000 Mcf per day to 24,500 Mcf per day.

In addition, Petitioner requests authorization to provide Northern with a revised transportation service. Petitioner indicates that it is currently transporting this gas to Northern from offshore to a point near Kinder, Louisiana, and from Kinder to the proposed new delivery points as set forth in the petition to amend pursuant to the provisions of § 284.221 of the Commission's Regulations and Petitioner's Order No. 60 blanket certificate. Specifically, Petitioner proposes to delete the existing delivery point near Kinder and to establish three new delivery points at (1) the point of interconnection between Petitioner's 16-inch line and United's 20-inch line in Calcasieu Parish, Louisiana (Iowa Point of Delivery), (2) the point of interconnection of Applicant's Muskrat Line and United's 30-inch line near Bayou Sale, St. Mary Parish, Louisiana (Centerville Point of Delivery), or (3) the point of interconnection of Petitioner's facilities with the facilities of Houston Pipe Line Company on Petitioner's line in E. Pt. Section 2 Survey, C.A. Posey Block in Abstract A–973, Newton County, Texas (Sabine Point of Delivery).

It is stated that Northern would pay Petitioner a volume charge[1] equal to 10.45 cents multiplied by the total volume in Mcf of gas received by Petitioner from Northern during the month, less volumes retained by Petitioner for fuel and use. Further, it is indicated that the minimum bill would consist of the volume charge of 10.45 cents multiplied by the minimum bill volume, which would consist of the number of days in said month multiplied by 66⅔ percent of the transportation quantity; provided, however, the minimum bill volume would be reduced by the volumes, if any, tendered by Northern and not taken by Petitioner and by the volumes retained for Petitioner's system fuel and uses. In addition, it is explained, Northern would provide to Petitioner, at no cost to Petitioner, a daily volume of gas for Petitioner's system fuel and uses equal to 1.2 percent of the volume received from Northern on any day. Petitioner states that Northern would pay Petitioner a liquids transportation charge of 58.13 cents per barrel[2] for the

[1] As permitted by Northern's and Petitioner's amendment to the transportation agreement, the rates have been increased from the rates stated in such amendment to reflect Petitioner's current costs, it is indicated.

[2] This rate would be adjusted annually to be effective April 1 of each year by use of the GNP Implicit Price Deflator (or suitable replacement should such deflator be discontinued), it is indicated.

transportation of liquids. It is also indicated that Petitioner has agreed to permit processing of the gas transported for Northern under the application at the Continental Cameron Plant in Cameron Parish, Louisiana. It is stated that Petitioner would charge a rate for each Mcf of plant volume reduction (PVR) delivered to the plant.[3] Petitioner states that while preparing the instant filing, it became aware that it had inadvertently failed to file a petition to amend the certificate herein to authorize the provisions relating to processing. Accordingly, Petitioner requests that its authorization to redeliver a volume of gas for Northern's account be less volumes, if any, due to processing in addition to those volumes for Petitioner's fuel and uses; and Petitioner requests approval of the rate associated with the transportation of PVR.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18267 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-17-001]

Texas Eastern Transmission Corp., Proposed Changes in FERC Gas Tariff

July 3, 1984.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on June 29, 1984 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2, six copies each of the following tariff sheets:

Fourth Revised Volume No. 1

Seventieth Revised Sheet No. 14
Sixty-ninth Revised Sheet No. 14A
Sixty-ninth Revised Sheet No. 14B
Sixty-ninth Revised Sheet No. 14C
Sixty-ninth Revised Sheet No. 14D
Tenth Revised Sheet No. 14E

Original Volume No. 2

Sixteenth Revised Sheet No. 235
Seventeenth Revised Sheet No. 322

The above listed tariff sheets are being issued pursuant to section 12.4, Demand Charge Adjustment Commodity Surcharge, section 23, Purchased Gas Cost Adjustment and section 27, Electric Power Cost (EPC) Adjustment contained in the General Terms and Conditions of Texas Eastern's FERC Gas Tariff. These sheets are also being issued pursuant to Article XI, Staten Island LNG Facility, contained in the Stipulation and Agreement in Docket No. RP78-87 approved by Commission Order issued April 4, 1980.

The Changes proposed therein consist of:

(1) An elimination of the DCA Commodity Surcharges required by § 12.4,

(2) A PGA decrease of $0.211/dth in the demand component of Texas Eastern's rates and an increase of $0.2806/dth in the commodity component pursuant to section 23 based on a net increase in the projected cost of gas purchased from producers and pipeline suppliers and a positive balance in Account 191 as of April 30, 1984,

(3) Projected Incremental Pricing Surcharges for the period August, 1984 through January, 1985, pursuant to section 23 and the Commission's Regulations,

(4) A change in rates for sales and transportation services pursuant to section 27 to reflect the projected annual electric power cost incurred in the operation of transmission compressor stations with electric motor prime movers for the 12 months beginning August 1, 1984 and to reflect the EPC surcharge which is designed to clear the latest balance in the deferred EPC Account as of April 30, 1984,

(5) An increase in the Rate Schedule SS rates to reflect an increase in actual costs incurred in operating and maintaining the Staten Island LNG facility for the twelve month period ended February 29, 1984, pursuant to the provisions of Article XI of the RP78-87 Stipulation and Agreement,

(6) A special surcharge of $0.0559/dth designed to recover over the twelve month period, August 1, 1984 through July 31, 1985, approximately $51,710,000 in retroactive payments owed to producers for production related costs for the period July 25, 1980 through April 30, 1984 consistent with the Commission's Order No. 94A,

(7) A credit for the transportation of producer liquids and liquefiables.

Texas Eastern has maintained a DCA Commodity Surcharge Account pursuant to § 12.4 of its FERC Gas Tariff for the past several years. Gas supply deficiency curtailment last occurred on Texas Eastern's system in January, 1982. Since that time the DCA Commodity Surcharge Account has been utilized to charge or return the amount of past over or under collections to the proper zones and rate schedules. Due to the administrative burden of maintaining this account and the relatively small amount reflected in this account, $522,232 at April 30, 1984, Texas Eastern requests waiver of Section 12.4 of its tariff to permit the flow-through of this small amount through Account 191, which will eliminate any further need to use this DCA Surcharge provision at this time. However, in the event gas supply deficiency curtailments occur in the future, Texas Eastern would reactivate the DCA provision.

The Commission's order issued January 31, 1984 in Texas Eastern's Docket No. TA84-1-17-001 required Texas Eastern to eliminate all estimated balances from the Deferred Gas Cost account balanace (Account 191) for purpose of the surcharge calculation and further required Texas Eastern to continue this methodology in all future PGA filings. In light of this order and discussions between Texas Eastern and Commission Staff, Texas Eastern in this instant filing is using the five months ended April 30, 1984, Account 191 balance, exclusive of estimates referred to above, for the surcharge calculation. This change from Texas Eastern's normal procedure of using the Account 191 balance of May 31, 1984 is deemed necessary in light of Staff's position so that the Deferred Gas Cost Account balance to be amortized will exclude estimates.

Also reflected are credit amounts attributable to transportation of producer-owned liquids and liquefiables not already credited to rates in accordance with the settlement in Docket No. RP81-109-004.

As to Item No. 6 above, on January 24, 1983, the Commission issued Order 94-A establishing eligibility criteria for delivery and compression allowances which under Order 94 were made effective commencing July 25, 1980. Also, on January 24, 1983, the Commission issued interim rules setting

[3] It is submitted that the rate was 2.14 cents until November 1, 1980, at which time the rate became 2.64 cents; on June 1, 1982, the rate became 3.00 cents. When authorization is received to render the revised service proposed in the petition to amend there would be no separate rate for PVR transportation, it is indicated.

forth industry-wide delivery and compression allowances. Based on these interim rules, the Commission issued Order No. 334 as a final rule allowing producers to collect certain production related costs retroactively to July 25, 1980.

Texas Eastern has now determined based on information received from producers that approximately $52 million in payments to producers will be required to cover the period July 25, 1980 through April 30, 1984. Accordingly, Texas Eastern requests waiver of § 154.38(d)(4)(iv)(d) of the Commission's Regulations and the requirements of Texas Eastern's FERC Gas Tariff so as to permit a one-time surcharge to be effective during the twelve month period commencing August 1, 1984, and extending through July 31, 1985.

As stated above, the one-time surcharge is based on approximately $52 million, which represents the amount expected to be paid retroactively for the period July 25, 1980 through April 30, 1984, by Texas Eastern to producers during the twelve month period over which the surcharge is in effect.

To implement its proposal, Texas Eastern would set up a subaccount of Account 191 to reflect actual retroactive payments made each month to its producers, as recorded against actual collections from its customers. Texas Eastern would then calculate interest due or payable on the monthly balance of this special subaccount in accordance with §§ 154.38(d)(4)(iv)(c) and 154.67(d)(2)(iii) of the Commission's Regulations. Any over or under collections in this subaccount as of July 31, 1985, the end of the twelve month surcharge period, would then be applied to Texas Eastern's Account 191 balance and would be reflected in Texas Eastern's next PGA filing.

Payment of this amount and recovery through the deferred account under normal PGA procedures will cause special hardships for Texas Eastern and its customers. In particular, operation of the deferred account would result in a lag in the commencement of recovery of production related costs for a period of at least six months. The necessity of carrying $52 million for this length of time will cause a cash flow drain for Texas Eastern and would also be disadvantageous to Texas Eastern's customers, since, in addition to reimbursement of the principal sum, they would bear the burden of substantial carrying charges incurred during this lengthy delayed collection period.

Texas Eastern's proposal is a much less onerous approach and one which would provide for a gradual and more orderly implementation of the Commission's orders. Relief similar to that requested by Texas Eastern has recently been granted in Order 93 cases. Additionally, the Commission has permitted waiver of its PGA requirements in the past where purchase gas costs have been incurred by pipelines substantially in excess of that which were forecast or otherwise permitted in their PGA's.[1] Therefore, in accordance with established Commission precedent, Texas Eastern hereby requests the onetime surcharge described above.

The proposed effective date of the above tariff sheets is August 1, 1984.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18252 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-18-000]

Texas Gas Transmission Corp., Proposed Changes in FPC Gas Tariff

July 3, 1984.

Take notice that Texas Gas Transmission Corporation, on June 28, 1984 tendered for filing Forty-Sixth Revised Sheet No. 7 and Tenth Revised Sheet No. 7-B to its FPC Gas Tariff, Third Revised Volume No. 1. These sheets are being issued to reflect changes in the cost of purchased gas pursuant to Texas Gas's Purchased Gas Adjustment Clause.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 2.11 and 2.14 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before July 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18253 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-94-000]

Trailblazer Pipeline Co; Proposed Changes in FERC Gas Tariff

July 3, 1984.

Take notice that on June 29, 1984, Trailblazer Pipeline Company (Trailblazer) tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1 to become effective August 1, 1984.

Trailblazer states that, when compared to the rates currently in effect, the proposed change in rates shows a revenue increase of approximately $6.8 million.

Trailblazer also states that the purpose of the filing is to implement a change in rate design and to provide for the level of rates required to recover its increased operating costs.

In addition, the filing included tariff sheets which revises Section 19.2 (Line Pack) of Trailblazer's tariff to provide for the Owner-Shippers in the Trailblazer System to supply gas needed for line pack, purging and testing.

A copy of the filing was mailed to Trailblazer's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before July 10, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will

[1] See FPC Opinion No. 699-H, Docket No. R-389-B, Mimeo at 64; Opinion No. 749-A, Docket No. R-475, Mimeo at 5; Opinion No. 770, Docket No. RM75-14, Mimeo at 131; Opinion No. 770-A, Docket No. RM75-14, Mimeo at 129-132, FERC Order No. 18, Docket No. RM79-7.

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18254 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-385-003]

Transcontinental Gas Pipe Line Corp., Second Amendment to Application

July 5, 1984.

Take notice that on June 8, 1984, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP82-385-003 a second amendment to its application for a certificate of public convenience and necessity filed in Docket No. CP82-385-000 pursuant to section 7(c) of the Natural Gas Act so as to reflect changes in design and location of the proposed facilities as a result of two certificate applications which have been filed in the interim, all as more fully set forth in the second amendment which is on file with the Commission and open to public inspection.

Applicant states that on May 2, 1983, it filed an amendment to application, which amendment was to reflect the impact on the proposed Leidy Line and market area facilities of the 1983 decision of the National Energy Board of Canada (NEB) reducing the quantities of natural gas authorized for export from Canada. Applicant explains that subsequent to the filing of its May 2, 1983, amendment, Applicant filed in Docket No. CP84-146-000, an application for authorization: (1) To construct and operate certain pipeline loop facilities on its Leidy Line in Pennsylvania and two metering stations in New Jersey and (2) to transport up to 65,000 dt equivalent of natural gas per day for six distribution companies and one interstate pipeline company (Shippers). Applicant explains that the purpose of the proposed project is to expand Applicant's Leidy Line facilities and to render firm transportation service for shippers commencing November 1, 1984, in order to transport to market a portion of the the natural gas sales quantities approved in *Consolidated Gas Supply Corporation,* Docket No. CP84-7-002, *et al.* Further, applicant states that in addition to the aforementioned application filed in Docket No. CP84-146-000, on February 3, 1984, in Docket No. CP 84-223-000, Applicant filed an application requesting authorization to construct and operate pipeline loop facilities in Pennsylvania and New Jersey to further expand the capacity of its system so as: (1) To effectuate delivery to its customers of up to 145,455 dt equivalent of natural gas per day to be stored in underground storage facilities in Pennsylvania and New York, which storage service has been offered to Applicant's customers, and (2) to render firm transportation service of up to 25,000 dt per day and 5,000 dt per day on behalf of Elizabethtown Gas Company and Delmarva Power & Light Company, respectively.

Applicant states that certain of the facilities proposed for 1984 construction in Docket No. CP84-146-000 and CP84-223-000 are identical to facilities proposed in Applicant's May 2, 1983, amendment to application. It is stated that since Applicant's application, as amended, is intended to provide transportation capacity for new incremental Canadian purchase and storage quantities of 615,000 Mcf per day, it is necessary to modify the facilities proposed in Docket No. CP 82-325-002 to take into account the additional facilities proposed in the two aforementioned applications. Applicant states the proposed expansion of Applicant's Leidy Line would be accomplished as follows:

(1) Construct 8.52 miles of 30-inch diameter pipeline loop from Leidy M.P. 185.54 to M.P 194.05;

(2) Construct 26.10 miles of 36-inch diameter pipeline loop from Station 515 to M.P. 26.10 on the southern loop right-of-way;

(3) Construct 49.22 miles of 36-inch diameter pipeline loop from Leidy M.P. 12.49 to M.P 61.73 (consisting of 17.00 miles of 36-inch diameter looping to complete Applicant's B Loop and 32.22 miles of 36-inch diameter looping on Applicant's C Loop);

(4) Install an additional 10,400 horsepower of compression at Station 520; and

(5) Install an additional 4,900 horsepower of compression at Station 515.

It is stated that modifications to the proposed pipeline looping on Applicant's market area facilities are also required as a result of the aforementioned intervening applicantions. Applicant proposes to expand its market area facilities in Pennsylvania and New Jersey as follows:

(1) Construct 19.39 miles of 36-inch diameter pipeline looping the Caldwell Lateral from Valve 505B10 to Valve 505B40;

(2) Construct 4.91 miles of 36-inch diameter pipeline, looping the Caldwell Lateral from Valve 505B50 to Valve 505B60;

(3) Construct 32.04 miles of 24-inch diameter pipeline, looping the Trenton-Woodbury Lateral from M.P. 4.79 to M.P. 36.83;

(4) Construct 7.26 miles of 16-inch diameter pipeline loop on the Ashmead Road Lateral Loop;

(5) Construct 2.74 miles of 10-inch diameter pipeline loop on the 6-inch diameter Trenton Lateral Loop; and

(6) Install the Narrows Lateral Booster Stations, consisting of 8,000 horsepower of comression on the Narrows Lateral at the Linden, New Jersey, Regulatory Station.

Applicant states that the estimated cost of the proposed Leidy Line and market area facilities is $244,121,000.

Any person desiring to be heard or to make any protest with reference to said second amendment should on or before July 25, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18223 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-507-000]

Washington Water Power Co., Filing

July 5, 1984.

The filing Company submits the following:

Take notice that on June 22, 1984, the Bonneville Power Administration (BPA) tendered for filing its report on the Average System Cost (ASC) filing submitted by Washington Water Power Company (Washington). BPA states that analysis of the filing was conducted in accordance with the criteria specified in the current ASC Methodology, as well

as generally accepted accounting principles and sound business practices.

As a result of BPA's review the following adjustment has been made:

Jurisdiction	Filed rate (mills/kWh)	Adjusted rate (mills/kWh)
Washington	24.43	25.36

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18269 Filed 7-10-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/39; FRL-2627-1]

Aldicarb; Special Review of Pesticide Products Containing Aldicarb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Special Review.

SUMMARY: This Notice announces that EPA is initiating a Special Review of all pesticide products containing the active ingredient aldicarb [2-methyl-2-(methylthio)propionaldehyde-o-(methylcarbamoyl)oxime]. EPA has determined that aldicarb's use, which had led to contamination of ground water, may pose a substantial question of safety to man or the environment as described in 40 CFR 162.11(a)(6). Accordingly, a Special Review of aldicarb-containing products is appropriate to determine whether registration of these products should be permitted to continue and, if so, under what terms and conditions. During the Special Review process, EPA will seek to evaluate the adequacy of current or potential actions to limit ground water contamination by aldicarb.

DATE: Comments, evidence to rebut the presumptions in this Notice, and other relevant information must be received on or before August 27 1984.

ADDRESS: Written comments by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to:

Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail:

Michael F. Branagan, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Office location and telephone number:

Rm. 711-I, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7420).

SUPPLEMENTARY INFORMATION: EPA has determined that a Special Review will be conducted for all pesticide products containing aldicarb. The term "Special Review" is the name now being used by EPA for the process previously called the Rebuttable Presumption Against Registration (RPAR) process. This name and associated modifications in the process will be proposed in regulations in the near future. Until other applicable final regulations are adopted, the present Special Review will adhere to RPAR procedures now in effect and set forth in 40 CFR 162.11(a).

Issuance of this Notice (also called Position Document 1 [PD1]) means that potential adverse effects associated with the use of aldicarb have been identified and will be examined further to determine their extent and whether, in light of the benefits of aldicarb, such risks are unreasonable.

A document entitled "Requirements for Interim Registration of Pesticide Products Containing Aldicarb" has been issued and is available to the public from the above-identified contact person. That document explains the basis of EPA's decision to start this Special Review and also contains references, background information, data requirements, and other information pertinent to the interim continued reregistration of pesticides containing aldicarb.

Finally, a meeting of the FIFRA Scientific Advisory Panel (SAP) was held between June 12 and June 14, 1984 to discuss, among other things, EPA's concerns about ground water contamination by aldicarb. The comments of the SAP the registrant and the public will be addressed in the Special Review.

I. Initiation of a Special Review

A. General

Issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136-136y), 40 CFR 162.11 provides that an RPAR (Special Review) shall be conducted if EPA determines that a pesticide meets or exceeds any of the risk criteria relating to the safe use of a pesticide set forth in 40 CFR 162.11(a)(6)(i). A Special Review under that section is also appropriate when it appears that evidence available to the Administrator indicates that a pesticide poses a substantial question of safety to man or the environment. In making the determination to initiate a Special Review, EPA is guided by section 3(c)(8) of FIFRA which directs EPA to begin an RPAR (Special Review) only if it is based on a "validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment." If such a determination is made, the registrant(s) will be notified by certified mail and afforded an opportunity to submit evidence in rebuttal by EPA's presumption. Registrants have been sent, by certified mail, copies of document entitled "Requirements for Interim Registration of Pesticide Products Containing Aldicarb." In addition, any registrant may voluntarily petition EPA to cancel the registration of its product(s).

Following the initiation of the Special Review, the pesticide use or uses of concern will enter the public discussions stage of the Special Review process. Registrants and interested members of the public may discuss the Agency's proposed actions and/or other proposals for additional or alternative actions.

Specifically, registrants must submit information indicating that aldicarb does not pose a health risk to man or the environment and/or that the benefits exceed the risks associated with aldicarb use. Interested members of the public may submit information concerning the risks and benefits associated with the use of aldicarb. Requests for all meetings for these purposes should be made in accordance with directions described in Unit V below.

If risk issues cannot be fully resolved during the public comment period, EPA will proceed to evaluate the risks and benefits of aldicarb and to propose a regulatory solution in a Position Document 2/3 (PD 2/3). After obtaining comments from the Scientific Advisory Panel, the Secretary of Agriculture, registrants, and the public on PD 2/3, EPA would issue a Position Document 4 (PD 4) containing EPA's final regulatory position. If EPA determines that the risks of use exceed the benefits, EPA would issue a notice of intent to cancel the registration of products intended for such use. The notice may identify for specific uses certain changes in the composition, packaging, application methods and/or labeling of the product which would reduce the risks to levels that EPA would consider acceptable. Cancellation would become effective unless, within 30 days of issuance of the notice, the registrant either requests a hearing to challenge the cancellation or submits an application to amend the product's registration in a manner prescribed in the notice of intent to cancel.

It is emphasized that a Notice initiating a Special Review is not a notice of intent to cancel the registration of a pesticide, and a Special Review may or may not lead to cancellation. Rather, such a Notice is an announcement of EPA's concern about the safe use of a pesticide and, only after carefully considering the risks and benefits of a pesticide and determining that the pesticide would cause unreasonable adverse effects on the environment, would EPA issue a notice of intent to cancel. Commenters may also submit, for consideration, data on benefits which they believe are relevant to registration or continued registration of products containing aldicarb.

B. Presumption

EPA has determined that use of pesticide products containing aldicarb may meet or exceed the risk criteria in 40 CFR 162.11(a)(6)(i). That section provides that a Notice of Intent to cancel a pesticide may be issued if " based on toxicological data, epidemiological studies, use history, accident data, monitoring data, or such other evidence as is available to the Administrator, the pesticide may pose a substantial question of safety to man or the environment. " Aldicarb has an extremely high acute oral toxicity; however, based on a fairly complete range of test results, aldicarb does not cause adverse chronic health effects. Aldicarb has been found in ground water in a large number of States.

On the basis of the scientific studies and information summarized in this PD1, EPA has concluded that aldicarb and its two degradation products of toxicological concern, aldicarb sulfoxide and aldicarb sulfone, are mobile in soil. These chemicals also persist longer in soil under anaerobic conditions (generally greater than 2 to 3 feet underground) than under aerobic soil conditions (at depts from zero to 2 to 3 feet underground). Aldercarb residues have been found in water from wells near treated fields at concentrations ranging from 10 to 200 ppb, levels which exceed the health advisory level of 10 ppb (HAL) established by the Office of Drinking Water (ODW) of EPA, in the following States: California, Maine, Massachusetts, Missouri, New Jersey, New York, Wisconsin, Virginia. Levels up to 500 ppb have been found in New York. Concentrations between 1 to 10 ppb have been found in the following States: Arizona, Connecticut, Florida, Washington, South Carolina, Texas, North Carolina, and possibly other States. Because aldicarb residues have half-lives as long as several years, under conditions typically found in ground water, the time required for degradation of aldicarb ground water residues to non-toxic compounds will be long.

The Office of Pesticide Programs (OPP) currently estimates a Theoretical Maximum Residue Contribution (TMRC) to the daily diet for aldicarb and its metabolites of 0.1120 mg/dy from residues of aldicarb in or on raw agricultural commodities resulting from treatment with aldicarb. The TMRC estimate is a maximum dietary exposure to a pesticide approved for use on a specific set of agricultural commodities. In preparing its TMRC estimate, EPA assumed that each individual consumes a 1.5 kg daily diet consisting of typical amounts of the agricultural commodities containing the maximum residues (or tolerances) of the pesticide and its metabolites permissible under 40 CFR 180.269. The TMRC utilizes 62 percent of the Allowable Daily Intake (ADI) for aldicarb of 0.003 mg/kg/dy.

The ADI for aldicarb and its metabolites has undergone extensive critical review within the last few years. ODW has used a proposed ADI of 0.001 mg/kg/dy, based on recommendations of the National Academy of Sciences Safe Drinking Water Committee in 1977 and 1983 to derive its HAL. More recently, EPA's Environmental Criteria and Drinking Water Office (Cincinnati) prepared a preliminary toxicological analysis of aldicarb proposing an ADI of 0.0012 mg/kg/dy. In 1982, the World Health Organization re-evaluated the ADI for aldicarb and recommended a value ranging from 0 to 0.005 mg/kg/dy. Additionally, a report issued by the Institute for Comparative and Environmental Toxicology at Cornell University in 1983, suggested "a reasonable range for the ADI to be 0.003 to 0.01 mg/kg/dy, the OPP currently accepted value of 0.003 mg/kg/dy being the most conservative and the upper value of .01 mg/kg/dy being a dose that causes a depression of whole blood cholinesterase approximating the range of normal intra-individual variation." OPP considers it prudent, at this time, not to alter its established ADI of 0.003 mg/kg/dy.

In light of the extent to which permissible residues of aldicarb are found in foodstuffs, consumption of contaminated ground water presents an additional source of dietary exposure which must be carefully considered by the Agency.

In response to the current ground water contamination situation, Union Carbide Corporation, the sole registrant for technical aldicarb has installed activated carbon water filtration units on wells on Long Island which contain aldicarb residues above 7 ppb. The current label for aldicarb includes geographical and temporal restrictions which are thought to reduce the likelihood of drinking water contamination. Utilizing information from past, present and future studies of ground water contamination, the Special Review will consider the utility, practicality and enforceability of these and other labeling restrictions that would permit the continued use of aldicarb, while preventing unreasonable adverse effects on the environment from ground water contamination with aldicarb and its degradation products.

In conducting this Special Review, the Agency will consult State and Local agencies responsible for maintenance and protection of underground drinking water sources in an effort to assess the impact of further aldicarb contamination on their responsibilities. In conjunction with the Agency's broader initiatives on ground water contamination, OPP will consult with the ODW and the newly

created Office of Groundwater Protection (OGP) during the Special Review. ODW is also conducting a review of aldicarb as a potential candidate for regulation. ODW, OGP and OPP will work together during their respective reviews to assure resolution of potential differences in approaches and for development of consensus on any issues. The Agency will consider the results of an ongoing comprehensive assessment of the environmental fate and potential health impacts of the nematicide uses of aldicarb on Florida citrus. This assessment is expected to be completed in early 1985. Finally, the Agency has an application for a pesticide, called aldoxycarb, that has toxicity characteristics, potential for ground water contamination and use sites which are similar to aldicarb. Aldoxycarb is a metabolite of aldicarb. The Agency will consider the toxicity of aldoxycarb and its ability to reach ground water resources when used as an active ingredient. The Agency will use the conclusions of this Special Review in making its decision on the pending application for aldoxycarb registration.

C. Rebuttal Criteria

All registrants, applicants for registration, and other interested members of the public are invited to submit evidence either to support or to rebut the presumption (as listed in Unit I.B. of this Notice) that the use of aldicarb products may cause adverse health effects via ground water contamination.

D. Benefits Information

The Agency will perform a benefits analysis for aldicarb during Special Review. The following information briefly summarizes the market status of aldicarb.

Union Carbide is the sole manufacturer of technical aldicarb and estimates of domestic production are considered as trade secret or proprietary under sections 7(d) and 10 of FIFRA. Aldicarb, an insecticide/nematicide registered for use on a variety of sites, is used primarily on cotton, potatoes, peanuts, soybeans and pecans, with these five sites comprising approximately 90 percent of annual usage of aldicarb. Minor usage sites include ornamentals, sugar beets, citrus, sugar cane, sorghum, edible beans and sweet potatoes.

In addition to submitting evidence to rebut the presumption of risk in the Special Review, 40 CFR 162.11(a)(5)(iii) provides that a registrant or applicant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the presumption of risk is not rebutted, the benefits evidence submitted by registrants, applicants, and other interested persons will be considered by the Administrator when determining the appropriate regulatory action.

Registrants, applicants, or other interested persons who desire to submit benefits information should consider submitting information on the following subjects along with any other relevant information they desire to submit:

1. Identification of the economically important uses of aldicarb, including market studies and estimated quantities applied for those uses.
2. Identification of alternative chemical and nonchemical methods for all registered uses and application techniques, including any associated health effects and potential for ground water contamination.
3. Determination of the change in costs to aldicarb users of obtaining equivalent pest control with available substitute products or management techniques.
4. Assessement of the expected changes in level of pest damage (if any) and environmental impacts associated with the use of alternative control measures.
5. Assessment of the long term effects (health, decontamination costs, etc.) of continued aldicarb use.

II. Additional Grounds for Review

In addition, EPA is requiring, pursuant to section 3(c)(2)(B) of FIFRA, that additional testing of the toxicological, ecological and environmental fate properties of aldicarb be conducted. Upon receipt of these studies, they will be reviewed to determine the extent to which other adverse effects may be associated with the use of this chemical. EPA expects to receive toxicological studies by April, 1985, and ecological and environmental studies by April, 1986.

III. Rebuttal Submission Procedures

All registrants and applicants for registration are being notified by certified mail of the Special Review that is being initiated on their products containing aldicarb.

The registrants and applicants for registration will have 45 days from the date this notice is received or until August 27 1984 (whichever is later), to submit evidence in the rebuttal to EPA's presumption. Other interested persons may submit comments during the same period. EPA is interested in a prompt resolution of this Special Review and therefore will not grant an extension of the comment period unless good cause is shown.

IV Duty To Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding unreasonable adverse effects on man or the environment which comes to their attention at any time, pursuant to section 6(a)(2) of FIFRA. Registrants of aldicarb products must immediately submit any published or unpublished information, studies, reports, analyses, or reanalyses regarding ground water contamination, any aldicarb effects in animal species or humans, and claimed or verified accidents to humans, domestic animals, or wildlife which have not been previously submitted to EPA. These data must be submitted with a cover letter specifically identifying the information as being submitted under section 6(a)(2) of FIFRA. Registrants should notify EPA of any studies on aldicarb currently in progress, their purpose, the protocol, the approximate completion date, and a summary of all results observed to-date.

V Public Comments, Inspections and Requests for Meetings

During the time allowed for submission of rebuttal evidence, specific comments on the presumptions set forth in this Notice and on the material in the Guidance Document for interim registration are solicited from the public. In particular, any documented episodes of adverse effects on humans or domestic animals should be submitted to EPA as soon as possible. Any information as to any laboratory studies in progress or completed should be submitted to EPA as soon as possible with a statement as to whether those studies are in compliance with the Good Laboratory Practices specified in 48 FR 53946. Specifically, information on any adverse effects from gound water contamination or ways to reduce ground water contamination through labeling or other means is solicited. Similarly, submission of any studies or comments on the benefits from the use of aldicarb is requested. All comments and information and analysis thereof, which come to the attention of EPA, may serve as a basis for final determination of regulatory position following the Special Review.

All comments and information should be sent to the address given above, preferably in triplicate, to facilitate the work of EPA and others interested in inspecting them. The comments and

information should bear the identifying notation [OPP-30000/39].

During the rebuttal comment period, interested members of the public or registrants may request a meeting to discuss the risk issues, methods of reducing risks, or other relevent matters. Requests for such meetings should be directed to the contact person listed in this Notice. Any records pertaining to such meetings, including minutes, agendas, and comments received, will be filed under docket number "OPP-30000/39"

Dated: June 28, 1984.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 84-18313 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

[ORD-FRL-2626-5]

Updated Mutagenicity and Carcinogenicity Assessment of Cadmium; Second External Review Draft

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of the public comment period.

SUMMARY: The second external review draft of the Updated Mutagenicity and Carcinogenicity Assessment of Cadmium (EPA-600/8-83-025B) was announced on Wednesday, April 25, 1984 in the Federal Register (49 FR 17811) as being available for public review and comment from May 14, 1984 through July 13, 1984. The purpose of this notice is to extend the public comment period an additional 30 days to August 13, 1984.

Those persons interested in commenting on the scientific merit of the second external review draft of the Cadmium document will be able to obtain a copy as follows:

(1) The document will be available in single copy quantity from EPA at the following address: ORD Publications—CERI-FRN, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, Ohio 45268 (513/684-7462).

Requesters should be sure to cite the EPA number assigned to the document—EPA-600/8-83-025B.

(2) The document will also be available for public inspection and copying at the EPA Library at Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

DATES: Comments on the draft document must be received by close of business August 13, 1984, or postmarked by that date. Comments must be submitted in writing and addressed to: Project Officer for Cadmium, Carcinogen Assessment Group (RD-689), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The Health Assessment Document for Cadmium, May 1981 (EPA-600/8-81-023) is available *only* from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22167 (703/487-4650). The NTIS ordering number is PB 82-115163.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Theisen, Carcinogen Assessment Group (RD-689), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202/382-7436).

Dated: July 3, 1984.

Donald J. Ehreth,

Deputy Assistant Administrator for Research and Development.

[FR Doc. 84-18316 Filed 7-10-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-716-DR]

Major Disaster and Related Determinations; Nebraska

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Nebraska (FEMA-716-DR), dated July 3, 1984, and related determinations.

DATED: July 3, 1984.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice

Notice is hereby given that, in a letter of July 3, 1984, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Nebraska, resulting from tornadoes, severe storms, and flooding beginning on or about June 11, 1984, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Nebraska.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Ms. Joan F. Hodgins of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Nebraska to have been affected adversely by this declared major disaster:

Cass, Gage, Saline, Sarpy and Saunders Counties for Individual Assistance.
Colfax, Dodge, Fillmore, and Jefferson Counties as adjacent counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance. Billing Code 6718-02)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 84-18297 Filed 7-10-84; 8:45 am]

BILLING CODE 6718-01-M

National Emergency Training Center, Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors (BOV) for the National Fire Academy (NFA).
Dates of Meeting: July 24-25, 1984.
Place: National Emergency Training Center, Emmitsburg, Maryland.
Time: 8:30 a.m.-5:00 p.m.

Proposed Agenda

July 24-25

Approval of Minutes of April Meeting and June 5 Conference Call
Old Business:
Report on Stonebridge II
New Business:
New Directorate Organizational Structure
Briefing on NETC West
Briefing on Senior Executive Policy Center
Review of Plans for FY' 85

Other

The meeting will be open to the public with approximately 10 seats available on a first-come, first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Joseph Donovan, Superintendent, National Fire Academy, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727 (telephone number 301–447–6771), on or before July 16, 1984.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Associate Director's Office, Building N, National Emergency Training Center, Emmitsburg, MD 21727 Copies of the minutes will be available upon request 30 days after the meeting.

Dated: June 27, 1984.

Joseph L. Donovan,

Superintendent, National Fire Academy.

[FR Doc. 84–18296 Filed 7–10–84; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

Ken-Caryl Investment Co., Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than July 20, 1984.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Ken-Caryl Investment Co.*, Littleton, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Ken-Caryl National Bank, Littleton, Colorado.

Board of Governors of the Federal Reserve System, July 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–18272 Filed 7–10–84; 8:45 am]

BILLING CODE 6210–01–M

Second Security Bankshares, Inc., and Security Holding Company; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a) (2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 1, 1984.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Second Security Bankshares, Inc., and Security Holding Company*, Miami Oklahoma; to acquire Security Insurance Agency, Miami, Florida and thereby engage indirectly in credit related life, accident, and health insurance.

Board of Governors of the Federal Reserve System, July 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–18273 Filed 7–10–84; 8:45 am]

BILLING CODE 6210–01–M

Smithtown Bancorp, Inc., et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 1, 1984.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045.

1. *Smithtown Bancorp, Inc.*, Smithtown, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Smithtown, Smithtown, New York.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *Virginia Community Bankshares, Inc.*, Louisa, Virginia; to become a bank

holding company by acquiring 100 percent of the voting shares of the successor by merger to The Bank of Louisa, Louisa, Virginia.

2. *Jefferson Bankshares, Inc.*, Charlottesville, Virginia to acquire 5 percent or more of the voting shares of Citizens Trust Company, Portsmouth, Virginia.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Continental Bancorp*, Miami, Florida; to become a bank holding company by acquiring at least 51.1 percent of the voting shares of Continental National Bank of Miami, Miami, Florida.

2. *Gulfside Holding Company, Inc.*, Gulf Breeze, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Gulfside National Bank, Gulf Breeze, Florida.

D. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First State Bancorp of Monticello, Inc.*, Monticello, Illinois; to acquire 80 percent of the voting shares of The State Bank of Hammond, Hammond, Illinois.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President). 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Triad Bancshares, Inc.*, Tulsa, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Triad Bank, N.A., Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, July 5, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18274 Filed 7-10-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee on the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Gastrointestinal Drugs Advisory Committee

Date, time, and place. August 16 and 17 9 a.m., Auditorium, Lister Hill Center, Bldg. 38A, National Library of Medicine (capacity 164), 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, August 16, 9 a.m. to 10 a.m., open committee discussion, August 16, 10 a.m. to 5 p.m., August 17, 9 a.m. to 5 p.m., Joan C. Standaert, Center for Drugs and Biologics (HFN-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4730.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of gastrointestinal disorders.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. The committee will discuss Ranitidine (Zantac) NDA 18-703/S-006, Glaxo for single bedtime dose in short-term treatment of duodenal ulcer. Any interested person may attend the meeting subject to the availability of space.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the Federal Register of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the Federal Register notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: July 3, 1984.
William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.
[FR Doc. 84-18279 Filed 7-10-84; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 84N-0156]

Quinacrine Hydrochloride Powder To Prevent Recurrence of Pneumothorax in Patients at High Risk of Recurrence

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA) Orphan Products Development Office is inviting submission of a treatment investigational new drug application (IND) for the use of quinacrine hydrochloride powder to prevent recurrence of pneumothorax in patients at high risk of recurrence, e.g., patients with cystic fibrosis. Pursuance of a new drug application (NDA) following performance of a prospective multiclinic trial is desirable but optional.

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 301-443-4903.

SUPPLEMENTARY INFORMATION:

Patient Population

Pneumothorax can occur spontaneously (simple pneumothorax) or secondary to trauma or disease such as severe emphysema, cystic fibrosis, Marfan's syndrome, progressive systemic sclerosis, sarcoma, and eosinophilic granuloma. With the exception of cystic fibrosis, simple pneumothorax and emphysema, the other causes of pneumothorax, are exceedingly rare.

Simple spontaneous pneumothorax occurs most commonly in young men and recurrence is frequent (30 percent on the same side, 10 percent on the opposite side). There are no reliable prevalence figures for this form of pneumothorax.

The prevalence of cystic fibrosis in the United States is approximately 40,000 patients. Pneumothorax can occur as a complication of this disease at any age, but it occurs most frequently in the teens and early adulthood. When patients with cystic fibrosis had a very early mortality, the incidence of pneumothorax was between 3 and 4 percent (Boat, T. F., et al., "Pneumothorax in Cystic Fibrosis," *Journal of the American Medical Association,* 209:1498-1504, 1969). With increasing longevity in recent years, the incidence has increased to about 12 percent (Luck, S. R., et al., "Management of Pneumothorax in Children with Chronic Pulmonary Disease," *Journal of Thoracic and Cardiovascular Surgery,* 74:834-839, 1977). Recurrence of pneumothorax in cystic fibrosis patients is very common and has been reported to occur in between 33 and 83 percent of such patients (McLaughlin, F. J., et al., "Pneumothorax in Cystic Fibrosis: Management and Outcome," *Journal of Pediatric Surgery,* 100:863-869, 1982), with most reports citing a recurrence rate of 50 percent or more. Thus, several thousand patients with cystic fibrosis in the United States are at risk of recurrent pneumothorax.

Therapy

Quinacrine hydrochloride tablets are marketed for the treatment of malaria. Quinacrine hydrochloride powder for injection was formerly marketed in the United States for intrapleural or intraperitoneal use in patients with recurrent neoplastic pleural effusions or ascites secondary to various tumors. The powder was withdrawn from the market by the manufacturer in 1977 Prior to its withdrawal, quinacrine hydrochloride powder had been used by physicians in the prevention of recurrence of pneumothorax in patients with cystic fibrosis and pneumothorax due to other causes. Since quinacrine hydrochloride powder has been withdrawn, physicians have been obtaining the powder from a chemical supply company and laboriously preparing it for human use in their hospital pharmacies.

Quinacrine hydrochloride is a sclerosing agent. When quinacrine hydrochloride is introduced into the pleural cavity, it produces adhesions of the pleural surfaces. Quinacrine hydrochloride has been reported to be successful in preventing recurrence of pneumothorax. There are several methods for preventing recurrence of pneumothorax. Some of these methods include open thoracotomy with pleural scarification, partial pleurectomy, and introduction of irritants (talc or sclerosing agents such as 50 percent dextrose, nitrogen mustard, quinacrine, silver nitrate, and tetracycline). Open thoracotomy with pleural scarification, currently the most popular of the surgical procedures, has been reported to be quite successful, but it is not indicated in patients who cannot tolerate surgery. In addition, in patients with far advanced pulmonary diseases, such as many of those patients with cystic fibrosis, it is not considered a desirable procedure because postoperative pain and splinting increase the risk of pneumonia and atelectasis. Accordingly, many physicians who treat patients with recurrent pneumothorax advocate the use of sclerosing agents in appropriate cases.

Among the sclerosing agents, silver nitrate and tetracycline have been reported to cause considerable pain in instillation, although there is one report that the instillation of lidocaine prior to that of tetracycline minimizes the pain (Luck, et al., ibid.) Quinacrine hydrochloride causes less discomfort than some of the other sclerosing agents. There is little information on use of 50 percent dextrose or nitrogen mustard in pneumothorax cases. Talc instillation has fallen into disfavor.

A number of published reports have compared the recurrence rate of pneumothorax based on type of treatment. In one retrospective review of various therapies for the management of pneumothorax in patients with cystic fibrosis, the recurrence rate in patients treated only for the acute episode (by observation, needle aspiration or trocar thoracotomy) and not given prophylactic therapy was 64 percent (72 of 112). Mean followup for these three therapies was 16, 3, and 13 months, respectively. There were no recurrences in seven trials of quinacrine followed for a mean of 38 months. Recurrences with silver nitrate and tetracycline consisted of three of seven and six of seven, respectively, with mean followups of 6 and 5 months. There were no recurrences in 16 trials of partial pleurectomy with a mean followup of 9 months (McLaughlin, F J., et al., ibid.). In a more prolonged followup (another 18 months) of these patients and others treated since the previous paper, the investigators discovered no further recurrences among those given conservative therapy or those who had received silver nitrate or tetracycline. Altogether, in a total of 13 trials of quinacrine there was one recurrence (8 percent), and in a total of 20 trials of partial pleurectomy, there were no recurrences (Schuster, S., et al., "Management of Pneumothorax in Cystic Fibrosis," *Journal of Pediatric Surgery,* 18:492-497, 1983).

A retrospective study by another group of investigators of 49 episodes of pneumothorax (including 22 patients with cystic fibrosis who had 44 of the episodes) revealed that among eight cases in which resolution occurred following observation only, recurrence was observed in four (50 percent); of 20 episodes successfully treated by chest tube drainage, 9 (45 percent) had a

recurrence; of three treated with chest tube drainage followed by a sclerosing agent (50 percent dextrose or tetracycline), none had a recurrence; and of two treated with thoracotomy, neither had a recurrence. Duration of followup was not reported (Luck, S. R., et al., ibid.).

In another retrospective review of patients with cystic fibrosis, of two episodes treated successfully with observation alone, both had a recurrence; of 11 episodes treated successfully with chest tube alone, 6 (55 percent) had a recurrence; of five episodes resolved with thoracostomy and quinacrine, one recurred (20 percent); of 31 episodes treated with thoracotomy and abrasion, 1 recurred (3 percent). (Rich, H. et al., "Open Thoracotomy and Pleural Abrasion in the Treatment of Spontaneous Pneumothorax in Cystic Fibrosis," *Journal of Pediatric Surgery*, 13:237–241, 1978).

A patient with cystic fibrosis and frequent episodes of pneumothorax who was given quinacrine had no further recurrence over 22 months of followup. (Kattwinkel, J., et al., "Intrapleural Instillation of Quinacrine for Recurrent Pneumothorax: Use in a Patient with Cystic Fibrosis," *Journal of the American Medical Association*, 226:557–559, 1973).

In two patients (one with cystic fibrosis and one with Marfan's syndrome) treated with quinacrine by Cattaneo, et al., the recurrence rate could not be ascertained because both patients died of their underlying disease in less than a year. (Cattaneo, S. M., et al., "Recurrent Spontaneous Pneumothorax in the High-Risk Patient: Management with Intrapleural Quinacrine," *Journal of Thoracic Cardiovascular Surgery*, 66:467–471, 1973).

In a retrospective review of 111 incidents of recurrent spontaneous pneumothorax, it was noted that of 20 patients receiving quinacrine who were followed for 6 months to over 4 years, only 1 (5 percent) had a recurrence; of 19 patients treated by thoracotomy and scarification or pleurectomy and followed for up to 4 years there were two recurrences (11 percent); of 63 patients treated by tube thoracostomy only, 14 had one or more recurrences the first year (22 percent) and during an up to 4-year followup, about 80 percent of these patients had recurrences (Larrieu, A. J., et al., "Intrapleural Instillation of Quinacrine for Treatment of Recurrent Spontaneous Pneumothorax," *Annals of Thoracic Surgery*, 28:146–150, 1979).

Larrieu and associates' good results with pleural sclerosis have not been obtained by everyone. For example, in the review of McLaughlin, et al., although the results with quinacrine were excellent, poor results were obtained in the patients given silver nitrate or tetracycline. (In the case of tetracycline it has been suggested that higher doses are needed. With regard to silver nitrate, it is given in a single dose whereas quinacrine is given in three doses.) Rich and colleagues began a randomized controlled trial in 1969 to compare tube thoracostomy plus quinacrine with open thoracotomy and pleural abrasion but abandoned the study when three of the first four pneumothoraces treated with quinacrine either failed to resolve or recurred within a short period (Rich, H., et al., ibid.).

It is clear from the reports above that recurrences are high (50 to 80 percent) when conservative therapy alone is used and that rather good results generally are noted with prophylaxis of the surgical or sclerosing type. Because none of the studies were randomized controlled prospective studies, the comparative effectiveness of surgical versus sclerosing procedures is not known. Even if it were established that thoracotomy with scarification or pleurectomy is superior to quinacrine sclerosis, the surgical procedures carry greater morbidity and would not be considered appropriate in all cases.

McLaughlin, et al., reported postoperative empyema in 1 of 16 cases of partial pleurectomy; Larrieu, et al., reported postoperative complications of bleeding (requiring reoperation), pneumonia, prolonged air leak, hematoma, cardiac arrhythmias, segmental atelectasis, and pleural effusion in 8 of 19 patients treated by thoracotomy and scarification or pleurectomy; Rich, et al., observed atelectasis, bleeding requiring transfusion and persistent pneumothorax, fistulae, and death from sepsis in 3 of 31 cases of thoractomy and scarification; Stowe, et al., observed postoperative bleeding and chest wall infection in 3 of 17 cases of thoracotomy and scarification.

Pleural sclerosis has a rather high incidence of side effects but they are transient and do not appear to be of a serious nature when dosages are kept at or below certain levels. As described earlier, silver nitrate and tetracycline cause considerable pain. Quinacrine causes a milder degree of pain. McLaughlin, et al., stated that their patients experienced little or no pain from quinacrine but in one of eight cases urticaria occurred. Stowe, et al., observed large pleural effusions in 2 of 10 cases of silver nitrate instillation. Cattaneo reported chest pain and fever of less than 1 day in one of two patients given quinacrine and similar findings were reported by Kattwinkel, et al., in a patient given quinacrine. Larrieu, et al., summarized data on side effects of quinacrine from their study and that of the literature. Among 27 patients receiving a total dose of less than 500 milligrams (mg) (the total recommended dosage for quinacrine sclerosis in pneumothorax is 300 or 400 mg), 19 patients (70 percent) experienced fever and 8 (30 percent) had pain. Doses over 500 mg (formerly used in the treatment of pleural effusions due to neoplasms) produced fever in 39 of 39 patients, pain in 16 (41 percent), nausea or vomiting in 16 (41 percent), hallucinations in 16 (41 percent) and hypotension in 4 (10 percent). Large doses can also cause yellow pigmentation.

Pulmonary function is not adversely affected after sclerosis, pleurectomy, or thoracotomy for pneumothorax except for a transient decrease. McLaughlin, et al., found no significant change in pulmonary function in 7 patients tested before and after sclerosis and in 12 who received pleurectomy. Rich, et al., also noted only a transient drop in pulmonary function in their patients who underwent thoracotomy and abrasion.

Treatment IND

Manufacturers are invited to submit a treatment IND to permit investigators to use quinacrine hydrochloride in patients at high risk of recurrent pneumothorax, such as those with cystic fibrosis. This IND should contain, in addition to manufacturing controls information, a physicians' brochure that summarizes the available information on use of this drug in recurrent pneumothorax (including adverse effects) and recommends dosages for treatment of patients.

Manufacturers who wish to apply for orphan drug designation and to submit an NDA for marketing will need to perform a multiclinic-controlled trial in patients with cystic fibrosis prior to an NDA submittal. Interested persons should contact Roger Gregorio (address above).

Dated: July 5, 1984.

Marion J. Finkel,

Director, Orphan Products Development.

[FR Doc. 84-18230 Filed 7-10-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 76N-0462]

American Cyanamid Co., Refusal To Approve Supplemental New Animal Drug Application; Availability of the Commissioner's Decision

Correction

In FR Doc. 84-17040, appearing on page 26311, in the issue of Wednesday, June 27 1984, make the following corrections:

1. In the first column, in the Summary, in the sixth line, "(NDA)" should read "(NADA)"

2. In the first column, in the for **FURTHER INFORMATION CONTACT** paragraph, in the fourth line, the phone number should read "301-443-3480"

BILLING CODE 1505-01-M

Health Resources and Services Administration

Advisory Committees; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of August 1984:

Name: National Advisory Council on Health Professions Education

Date and Time: August 6-7, 1984, 9:00 a.m.

Place: Conference Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 25205.

Closed on August 6, 1984, 9:00 a.m.-5:00 p.m. Open for the remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover: Welcome and opening remarks; report of the Administrator, budget update, discussion of funding preferences, progress report from Council members dealing with issues and problems in financing the costs of Health Professions Education, status report on BHPr. workshops on Health Promotion/ Disease Prevention, update on status of health professions student loans, and future agenda items. The meeting will be closed to the public on August 6, 1984, 9:00 a.m. to 5:00 p.m. for the review of grant application for Family Medicine Departments, Area Health Education Centers, and Public Health Capitation. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Administrator, Health Resources and Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Mr. Robert L. Belsley, Executive Secretary, National Advisory Council on Health Professions Education, Bureau of Health Professions, Health Resources and Services Administration, Room 8C-22, Parklawn Building, 5600 Fishers Lane; Rockville, Maryland 20857 Telephone (301) 443-6880.

Agenda items are subject to change as priorities dictate.

Dated: July 5, 1984.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 84-18278 Filed 7-10-84; 8:45 am]

BILLING CODE 4160-15-M

Social Security Administration

Social Security Administration Demonstration Project; Supplemental Security Income Benefit Program; the Intensive Case Management of Drug Addicts and Alcoholics; Announcement of Statutory and Regulatory Waivers

SUMMARY: The Acting Commissioner of Social Security announces a demonstration project to study whether intensive case management in the cases of drug addicts and alcoholics receiving Supplemental Security Income (SSI) aids them in overcoming their addiction and in preventing the development of irreversible medical conditions. This demonstration project is authorized by section 1110(b)(2)(D) of the Social Security Act (the Act), as amended, which was added to the Act by section 505(b)(6) of Pub. L. 96-265. This announcement describes the demonstration project and the statutory and regulatory provisions that are being waived to conduct the project. We are publishing this notice to comply with 20 CFR 416.250 that requires the Social Security Administration (SSA) to publish a notice describing the SSI project in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Price, Office of Policy, ORSIP SSA, 1875 Connecticut Avenue, NW, Room 931, Washington, DC 20009, Telephone (202) 673-5465.

SUPPLEMENTARY INFORMATION:

Project Objectives

The overall objective of the demonstration project is to evaluate various case management models for current SSI recipients designated as drug addicts and alcoholics (DA&A) to determine whether intensive case management can be cost-effective in promoting these recipients' recovery. Our specific objectives are:

1. To describe the DA&A population and assess their potential for improvement and for leaving the SSI rolls.

2. To identify models and elements of case management that are most effective in supporting an SSI recipient's improvement and recovery.

These objectives will be pursued through the efforts of an independent research contractor selected by SSA. The contractor will interview the recipients, document the case management services provided, evaluate the impact of these services on participants, and analyze the costs and benefits of the services.

On February 1, 1984, the Secretary of Health and Human Services (the Secretary) approved two waivers of the law and regulations for conducting this project. The first waiver exempts a project control group from mandatory treatment requirements applicable to SSI and DA&A recipients. The second waiver enables the project's recipients to continue receiving their benefits even though they are residing in public residential care treatment facilities. These waivers are discussed more fully below.

Description of the Project

The research project will follow a sample of drug addicts and alcoholics receiving SSI benefits and determine the relationship of SSI recipient characteristics and the intensity of case management to recovery rates (i.e., leaving the SSI rolls). Case management means SSA provides this class of recipients with the following services: (1) Referring people to alcohol and drug abuse treatment and vocational rehabilitation; (2) monitoring their compliance with alcohol and drug treatment conditions; and (3) selecting their representative payees.

The study involves such questions as: Does intensive case management improve recovery rates? Does the representative payee program provide effective financial management and economic stability and help promote recovery? Does the mandatory treatment requirement lead to recovery and return to employment? Are some types of

addiction treatment, particularly long term residential care, more effective than other types of treatment with this population?

This project tests the hypothesis that intensive case management promotes recovery among current recipients and is cost-effective.

Population to be Served

The SSI program, which was established by title XVI of the Social Security Act (the Act), became operational on January 1, 1974. This SSA administered program replaced the Federal-State programs of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled. SSI provides monthly payments to aged, blind, and disabled recipients who have income and resources within specified limits. There are also special provisions for drug addicts and alcoholics. Under section 1611(e)(3)(A) of the Act and the implementing regulations, an SSI recipient who receives benefits based on disability and who is medically determined to be a drug addict or alcoholic (DA&A) must participate in an approved substance abuse treatment program in order to qualify for benefits. This special treatment condition applies only when the claimant is found disabled based on his or her addiction. Also, under the statute and the regulations, SSA must initiate the referral of DA&A recipients to appropriate treatment facilities and implement monitoring procedures to ensure the recipient's compliance with the treatment requirement. SSA contracted with the States to provide referral and monitoring services to DA&A recipients. An additional requirement, which is imposed by section 1631(a)(2) of the Act, is that SSI benefits must be paid to the DA&A recipient through a representative payee.

Demonstration Scale and Duration

The study will be conducted in urban sites with relatively large SSI DA&A caseloads and that represent different case management models. The study sites under consideration are New York, NY, Philadelphia, PA, Baltimore, MD, Seattle, WA, San Francisco, CA, Oakland, CA, Sacramento, CA, and Los Angeles, CA. A sample size of up to 750 recipients will be recruited. As required by section 1110(b)(2) of the Act, recipient participation in this project will be voluntary and will not disadvantage the individual in any regard. The participant's written consent is necessary for participation, but may be revoked at any time. The study subjects will be interviewed on three occasions: baseline, 6-month followup, and 18-month followup.

We anticipate conducting three rounds of interviews with participants to be completed in the fall of 1985. We will prepare an analytic report following each interview wave. We are required to report to Congress on the results of the project.

Waivers

In effect, this project will evaluate the effectiveness of the procedures SSA has used to implement the title XVI DA&A provisions. The project will be conducted primarily by comparing closely monitored recipients with more loosely monitored or unmonitored recipients. Also, where feasible, the project will modify case management procedures to test the effect of changes in referral and monitoring practices, addiction treatment, vocational rehabilitation, and representative payee services. The potential to test the effect of these changes rests largely with that group of sample subjects who are new recipients or who have not yet been referred by SSA for treatment monitoring.

The two waivers approved by the Secretary as necessary for conducting the project are:

Waiver 1: Exempt a small sample from mandatory treatment. The first waiver will permit the testing of the value of mandatory treatment services on participation in treatment and treatment outcome. Waiving the treatment requirement as a condition of eligibility and not monitoring the compliance of a small control group for the duration of the project will enable us to investigate the effect of not enforcing the treatment requirement on a recipient's decision to seek treatment, the type of treatment chosen, and the outcome of treatment. This comparison between nonitored and unmonitored recipients is a necessary test of the hypothesis that intensive case management promotes recovery.

Section 1611(e)(3)(A) and (B) of the Act and 20 CFR 416.200, 416.213, 416.708(j), 416.930, 416.936, 416.1326, 416.1335, 416.1720, and 416.1725, which concern the treatment requirement as a condition of eligibility, will be waived for a period of up to 2 years for a selected sample of drug addicts and alcoholics who are participating in the demonstration project.

Waiver 2: Exempt a small sample from public institution payment limitation. The second waiver will test the value of the treatment in residential care centers for alcoholics and drug addicts. A major SSA concern is determining the type of addiction treatment most appropriate for this population. Limited field evidence indicates that long-term residential care can be effective, not only in overcoming addiction, but also in halting and even reversing the physiological side-effects sometimes considered irreversible.

Under current law, residents of *public* residential care treatment centers are not eligible for SSI payments for any full month of institutionalization, whereas residents of comparable *private* facilities are eligible. This limitation on SSI payments discourages recipients from taking advantage of publicly operated centers which, in some localities, may be the only residential facilities available. A waiver of the public institution payment limitation will facilitate access to publicly operated treatment centers. The waiver allows those in the study to receive treatment in public residential care facilities for up to 4 months and remain eligible for SSI benefits.

Section 1611(e)(1)(A) of the Act and 20 CFR 416.200, 416.211 and 416.1325, which limit the paying of SSI payments to residents of public institutions, will be waived for up to 4 months for drug addicts and alcoholics participating in the demonstration project who are residents of publicly operated residential treatment centers throughout a month.

(Catalogue of Federal Domestic Assistance Program No. 13.812—Assistance Payment—Research)

Dated: July 5, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

[FR Doc. 84-18003 Filed 7-10-84; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-73124, W-73125]

Proposed Continuation of Withdrawal, Wyoming

June 29, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army proposes that a 3,738.67-acre withdrawal for the Sheridan Army National Guard Target Area continue for an additional 25 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing.

DATE: Comments should be received by October 9, 1984.

ADDRESS: Comments should be sent to: Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307–772–2089.

The Department of the Army proposes that the existing withdrawals made by the Executive Orders of November 2, and December 18, 1898, be continued for a period of 25 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Sixth Principal Meridian, Wyoming

T. 56 N., R. 84 W.,
Sec. 7·
Sec. 18, lots 1, 2, 3, E½NW¼, NE¼–SW¼.
T. 56 N. R. 85 W.,
Sec. 1, lots 3, 4, S½NW¼, SW¼;
Secs. 2, 11, 12, 13.

The area described contains 3,738.67 acres in Sheridan County, Wyoming.

The purpose of these withdrawals is to protect the Sheridan Army National Guard Target Area. The withdrawals segregate the lands from the operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawals may present their views in writing to the Chief, Branch of Land Resources, in the Wyoming State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination on the continuation of withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

P. D. Leonard,

Associate State Director, Wyoming.

[FR Doc. 84-18287 Filed 7-10-84; 8:45 am]

BILLING CODE 4310-22-M

Filing of Survey Plat; MT

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: Plat of survey of the lands described below accepted June 14, 1984, will be officially filed in the Montana State Office effective 8 a.m. on August 31, 1984.

Principal Meridian, Montana

T. 7 N. and T. 8 N., R. 47 E.

The plat represents the dependent resurvey of a portion of the north boundary, and a portion of the subdivisional lines in Township 7 North, Range 47 East; the dependent resurvey of Tract R in Townships 7 and 8 North, Range 47 East; the survey of Tract X in Township 7 North, Range 47 East; and Tract W in Townships 7 and 8 North, Range 47 East, Principal Meridian, Montana. The area described is in Custer County.

The survey was requested by the Miles City District Office to facilitate their administrative needs.

EFFECTIVE DATE: August 31, 1984.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 222 North 32nd Street, P.O. Box 36800, Billings, Montana 59107

Dated: June 27, 1984.

Linda M. Wagner,

Chief, Branch of Records.

[FR Doc. 84-18285 Filed 7-10-84; 8:45 am]

BILLING CODE 4310-DN-M

Butte, Montana; District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held Tuesday and Wednesday, August 7 and 8, 1984.

The meeting will begin at 1 p.m., August 7 in the conference room of the Dillon Resource Area Office at 730 North Montana, Dillon, Montana. The agenda will include: (1) An update on the status of land adjustments, (2) current status of the wilderness review program; and (3) a discussion of the Bureau's Cooperative Management Agreement (CMA) program. A field trip will follow which will visit a current GMA area (range) and an area where riparian values have been improved in recent years through range management techniques.

On August 8, the field trip will continue, leaving the Dillon Office at 8:00 a.m. Participants will review lands in the Centennial Valley being considered in an exchange between BLM and the First Continental Corporation of Billings, as part of the Montana BLM Land Adjustment Program.

The meeting, including the field trip, is open to the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make an oral statement or join the field trip should make advance arrangements with the District Manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: July 2, 1984.

Jack A. McIntosh,

District Manager.

[FR Doc. 84-18268 Filed 7-10-84; 8:45 am]

BILLING CODE 4310-DN-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Lincoln Park Zoo, Chicago, IL—APP No. 9552BL

The applicant requests a permit to re-export one male captive-born lowland gorilla (*Gorilla g. gorilla*) to Calgary Zoo, Alberta, Canada for enhancement of propagation.

Applicant: Lincoln Park Zoo, Chicago, IL—APP No. 9550BL

The applicant requests a permit to import one captive-born male flat-headed cat (*Felis planiceps*) from the Royal Rotterdam Zoological and Botanical Garden, the Netherlands, for enhancement of propagation.

Applicant: Duke University Primate Center, Durham, NC—APP No. 1624BM

The applicant requests a permit to import three grey gentle lemurs (*Hapalemur griseus*) from Madagascar for scientific research and enhancement of propagation and survival.

Applicant: Caribbean Islands NWR's, Boqueron, PR—PRT 2 11136, APP No. 1511BM

The applicant is requesting an amendment to his endangered species permit to include Mona Island, PR, for the take of four species of sea turtles.

Applicant: Sea World, Inc., San Diego, CA—APP No. 1650BM

The applicant requests a permit to export 25 California brown pelicans (*Pelecanus occidentalis*) to the Vogelpark Zoo, West Germany, for scientific research and enhancement of propagation.

Applicant: Mississippi Sandhill Crane National Wildlife Refuge, Gautier, MS—APP No. 591773

The applicant requests a permit to take (capture, radio-tag, leg-band, release) Mississippi sandhill cranes (*Grus canadensis pulla*) for scientific research.

Applicant: Robert Terry Dunham, St. Petersburg, FL—APP No. 1280BM

The applicant requests a permit to import up to 20 scarlet chested parakeets (*Neophema splendida*) and turquoisine parakeets (*Neophema pulchella*) for enhancement of propagation and survival.

Applicant: Mesa Garden, Belen, NM—APP No. 1500BM

The applicant requests a permit to export and conduct interstate commerce with artificially propagated specimens of *Echinocereus reichenbachii* var. *albertii* for enhancement of propagation.

Applicant: New York Zoological Society, Bronx, NY—APP No. 584449

The applicant requests a permit to import six radiated tortoises [*Geochelone* (=*Testudo*) *radiata*] from the Jersey Wildlife Preservation Trust, Channel Islands, Great Britain, for enhancement of propagation.

Applicant: Zoological Society of Philadelphia, Philadelphia, PA—APP No. 0304BM

The applicant requests a permit to import one captive-born brush-tailed rat-kangaroo from the Royal Melbourne Zoo, Victoria, Australia, for enhancement of propagation.

Applicant: Patuxent Wildlife Research Center, Patuxent, MD—APP No. 677649

The applicant requests an amendment to their permit PRT-678870 (PRT 2-1740) to include the take of the following species for scientific research and enhancement of propagation and survival: Laysan duck (*Anas laysanensis*), Guam rail (*Rallus owstoni*), Marianas mallard (*Anasoustaleti*), Micronesian megapode (*Megapodius laperouse laperous*) and Culebra giant anole (*Anolis roosevelti*).

Applicant: Virgil W. Brack, Jr., Purdue University, West Lafayette, IN—APP No. 9398BL

The applicant requests an amendment to his endangered species permit PRT 2-9170 to include banding of Indiana bats (*Myotis sodalis*) and gray bats (*M. grisescens*), for scientific research purposes.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 North Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: July 3, 1984.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 84-18321 Filed 7-10-84; 8:45 am]
BILLING CODE 4310-55-M

Charles M. Russell National Wildlife Refuge; Intent To Prepare an Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice announces the Fish and Wildlife Service's intention to hold public meetings on the Draft Environmental Impact Statement (DEIS) for the Charles M. Russell National Wildlife Refuge (CMR), Montana. The purpose of the meetings is to provide the public with additional opportunities to comment upon the DEIS made available on March 21, 1984 (Federal Register Notices Vol. 49, No. 56). Testimony and statements received during the public meetings will become a part of the DEIS record.

DATES: Public meetings will be held:

A. Glasgow Civic Center, 319 3rd Street South, Glasgow, Montana at 7:30 p.m. on July 31, 1984.

B. Lewistown Trade Center, The Fairgrounds, Lewistown, Montana at 7:30 p.m. on August 1, 1984.

C. Village Red Lion Motor Inn, 100 Madison Avenue, Missoula, Montana at 7:30 p.m. on August 2, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Galen Buterbaugh, Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225, or Mr. Ralph Fries, Refuge Manager, Charles M. Russell National Wildlife Refuge, P.O. Box 110, Lewistown, Montana 59457, (303) 234-2209.

SUPPLEMENTARY INFORMATION: The DEIS was made available to the public for review and comment on March 21, 1984. The comment period was extended from May 21, 1984, until August 15, 1984. Written comments may be sent to the above named persons. The Final EIS and Record of Decision are anticipated to be completed in early 1985.

Galen L. Buterbaugh,

Regional Director.

[FR Doc. 84-18223 Filed 7-10-84; 8:45 am]
BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination Document; Zapata Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Zapata Exploration Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 6278, Block 154, East Breaks Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Galveston, Texas.

DATE: The subject DOCD was deemed submitted on June 29, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147 Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and

procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 29, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-18290 Filed 7-10-84; 8:45 am]

BILLING CODE 4310-MR-M

5-Year Outer Continental Shelf Oil and Gas Leasing Program; Development and Request for Comments

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of request for comments on the development of a new 5-year Outer Continental Shelf (OCS) Oil and Gas Leasing Program.

SUMMARY: Section 18 of the OCS Lands Act, as amended, requires the Secretary of the Interior to solicit suggestions from Federal Agencies, coastal States, and others during the preparation of a new 5-Year OCS Oil and Gas Leasing Program. The current leasing program, approved in July 1982, schedules lease sales through mid-1987 The Minerals Management Service intends to prepare a program for the period mid-1986 to mid-1991.

DATES: Comments and information must be received by August 27 1984.

ADDRESS: Comments and information should be mailed to Deputy Associate Director for Offshore Leasing, Minerals Management Service (MS-641), 12203 Sunrise Valley Drive, Reston, Virginia 22091. Hand deliveries to the Department of the Interior may be made at 18th & C Streets NW., Room 2509, Washington, DC. Envelopes or packages should be marked "Comments on the 5-Year OCS Oil and Gas Leasing Program."

FOR FURTHER INFORMATION CONTACT: Telephone contact may be made with Paul R. Stang, (202) 343-1072, for information on the development of a new 5-Year leasing program.

Author

William J. Quinn, Offshore Leasing Management Division, Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

SUPPLEMENTARY INFORMATION: Comments are requested from States, local governments, the oil and gas industry, Federal Agencies, and other interested individuals and groups to assist the Department of the Interior in the preparation of a 5-Year OCS Oil and Gas Leasing Program to cover the period mid-1986 to mid-1991. The program preparation effort now underway is expected to take about 2 years to complete. Approval of the new program in mid-1986 will help provide a smooth transition from the current to the new schedule.

The OCS leasing program schedule enables the Federal Government, affected States,. industry, and other interested parties to plan for the steps leading to the offshore lease sales. A decision on whether to proceed with a specific sale on the schedule will be made only after all the applicable requirements of the OCS Lands Act (hereafter called the Act), National Environmental Policy Act (NEPA) of 1969, and other statutes have been met.

The program preparation process will follow all the procedural steps set out in section 18 of the Act. The purpose of this Notice is to solicit comments early in the program preparation process pursuant to section 18(c)(1) of the Act.

Your comments will be considered in the analysis required by section 18(a) of the Act. Once this analysis is completed, alternatives to the proposal will be developed which will include a range of schedules varying the timing or location of proposed offshore lease sales.

A draft proposed program will be prepared based on the section 18(a) analysis. The draft proposed program will display planning milestones and will refer to sales by name and number. Respondents should be aware that the following concepts will be considered in its development:

1. Both quantitative and qualitative information will be considered in meeting the requirements of section 18(a) of the Act;

2. Leasing activities under the program should assure receipt of fair market value for the lands leased (this is a statutory requirement of section 18(a)(4) of the Act);

3. A more flexible approach to leasing decisions will be considered for those planning areas in which the demand for additional leasing in the 1986-1991 period is expected to be limited but could be substantially increased by unexpected events.

The list of planning areas with boundaries described in Table 1 is open to comment. These areas will be subject to analysis under section 18 and will be considered as candidates for the draft proposed program. There are 18 such planning areas which are described in the current 5-year leasing schedule. Note also that the list includes planning areas which do not appear on the approved current schedule. These are: Hope Basin, St. Matthew-Hall, Aleutian Basin, Bowers Basin, Aleutian Arc, and Washington-Oregon. Note that the names of Diapir Field and Barrow Arch have been changed to Beaufort Sea and Chukchi Sea, respectively.

Precise marine boundaries between the United States and opposite or adjacent nations have not been determined in all cases. The maritime boundaries and limits depicted in Table 1 and the attached maps, as well as divisions between planning areas where shown, are for initial planning purposes only. These limits shall not affect or prejudice in any manner the position of the United States with respect to the nature or extent of the internal waters, of the territorial sea, of the high seas, or of sovereign rights or jurisdiction for any purpose whatsoever.

Information Requested

Comments are solicited as follows:

Information and comments submitted at this stage should be general or conceptual in nature and relevant to determining the appropriate overall size, timing, and location of sales to be considered in the leasing schedule. Data and information which support these general views are also requested. As required by section 18(c)(1) of the Act, any suggestions from the executive of any affected local government in an affected State shall be first submitted to the Governor of such State.

A. As noted above, the Secretary is required by section 18(a) of the Act ot consider a number of factors in formulating a 5-year leasing program. We would like to have information and your suggestions relevant to the requirements of section 18(a). The following list provides an indication of the kind of information which would be most useful in conducting the section 18(a) analysis. Please note that not all factors may be relevant to all wishing to comment.

(1) Information on the economic, social, and environmental values of the renewable and nonrenewable resources contained in the OCS and the potential impact of oil and gas exploration on other resource values of the OCS and the marine, coastal, and human environments.

(2) Existing information concerning geographical, geological, and ecological characteristics of the regions of the OCS and nearshore environments.

(3) Suggested methods and information for analyzing the sharing of developmental benefits and environmental risks among the various regions (planning areas) and ways to determine what constitutes an equitable sharing.

(4) Other uses of the sea and seabed, including fisheries, navigation, existing

or proposed sealanes, potential sites of deepwater ports, and other anticipated uses of the resources and space of the OCS.

(5) Methods and information for assessing relative environmental sensitivity and marine productivity of the different planning areas of the OCS.

(6) Relevant environmental and predictive information pertinent to offshore and coastal areas potentially affected by OCS developement.

(7) The location of planning areas with respect to, and the relative needs of, regional and national energy markets.

We would also like to have information on the availability of transportation networks to bring oil and gas supplies to demand areas, both on a current and projected basis.

B. Industry respondents are asked to address the following information needs in some detail. It should be emphasized that this information will be used to identify areas of potential for oil and gas development. When weighed against comments on possible environmental effects and the results of various environmental and other cost analyses, these expressions of interest play an important role in the section 18 balancing which ultimately determines the size, timing, and location of sales included in the 5-year program.

The following information is requested with respect to the OCS planning areas:

(1) Ranking of planning areas by order of oil and gas potential. To allow comparisons of responses in a consistent format, we ask that a single list be submitted showing areas ranked 1 through 24;

(2) Ranking of planning areas by order of interest in exploration and development, including reasons for any possible differences in this ranking compared to that in item (1); and

(3) Technological feasibility of conducting exploration and development within specified time periods for each planning area or, if appropriate, for specified portions of each planning area.

C. Suggestions are requested for possible revisions in the planning area boundaries described earlier in this Notice, with reasons for any such revisions.

D. Our information and knowledge of the oil and gas resources of the OCS will be more advanced in 1986 compared to 1982 when the current 5-year program was approved. We believe it may be appropriate to examine ways to help assure that we can accommodate this additional information when the new program begins and adjust the program as further knowledge of the OCS resources and national energy needs evolves. Hence, suggestions are also requested for changes in the leasing process which will allow for a more flexible program while still identifying location and timing as precisely as possible for planning purposes.

Dated: June 14, 1984.

Wm. D. Bettenberg,

Director, Minerals Management Service.

Dated: July 5, 1984.

Approved:

William Clark,

Secretary.

Table 1—Description of Planning Areas

1. *North Atlantic:* Lies offshore of the New England States and is bounded on the west by 71° W. longitude and on the south by approximately 39° N latitude.

2. *Mid-Atlantic:* Extends north from approximately 35° N. latitude along the coast to the intersection of 71° W. longitude thence south along 71° W. longitude to approximately 39° N. latitude, thence east along the 39th parallel.

3. *South Atlantic:* Lies offshore of the States of North Carolina, South Carolina, Georgia, and Florida and is bounded on the north by approximately 35° N. latitude.

4. *Eastern Gulf of Mexico:* Lies offshore of Florida and is bounded on the west by approximately 88° W. longitude and on the north and east by Florida.

5. *Central Gulf of Mexico:* Lies south of Louisiana, Mississippi, and Alabama and is bounded on the east by approximately 88° W. longitude. Its western boundary begins at the offshore boundary between Texas and Louisiana and proceeds southeasterly to approximately 28° N. latitude and 93° 30' W. longitude, thence east to approximately 92° W. longitude, and thence south.

6. *Western Gulf of Mexico:* Lies south and east of Texas. It is bounded on the east by the extension of the boundary between Texas and Louisiana and proceeds southeasterly to approximately 28° N. latitude and 93° 30' W. longitude, thence east to approximately 92° W. longitude, and thence south.

7. *Southern California:* Bounded on the north by approximately 34° 30' N. latitude and on the south by the U.S.-Mexico provisional boundary.

8. *Central and Northern California:* Bounded on the south by approximately 34° 30' N. latitude and on the north by approximately 42° N. latitude.

9. *Washington-Oregon:* Lies offshore of these two States and is bounded on the south by approximately 42° N. latitude and on the north by approximately 48° 30' N. latitude.

10. *Gulf of Alaska* It is bounded approximately on the west by 151° 55' W. longitude, thence east along 59° N. latitude to 148° W. longitude, thence south to 58° N. latitude, thence east along 58° N. latitude to 147° W. longitude, thence south.

11. *Kodiak:* Lies generally southeast of Kodiak Island. It is bounded on the west by 156° W. longitude. From 156° W. longitude, it extends east along 57° N. latitude, thence northeast to 59° N. latitude, thence to 148° W. longitude, thence south to 58° N. latitude, thence east to 147° W. longitude, thence south.

12. *Cook Inlet:* Lies east of 156° W. longitude and north of 57° N. latitude to the Federal/State boundary south of Kalgin Island.

13. *Shumagin:* Lies southeast of the Alaskan Peninsula. It is bounded on the west by 165° W. longitude, on the east by 156° W. longitude, and on the north by 57° N. latitude.

14. *Aleutian Arc:* Bounded on the east by 165° W. longitude south of the Aleutian Islands chain, 171° W. longitude north of the Aleutian Islands chain, and on the north by 53° N. latitude thence west to 174° E. longitude thence north to 54° N. latitude thence west.

15. *North Aleutian Basin:* Lies in the eastern Bering Sea northwest of the Alaskan Peninsula and south of 59° N. latitude. It is bounded on the west by 165° W. longitude.

16. *St. George Basin:* Lies in the eastern Bering Sea northwest of the Aleutian Islands chain and is bounded on the north by 59° N. latitude and on the west by 174° W. longitude from 59° N. latitude to 56° N. latitude, thence east to 171° W. longitude, thence south. It is bounded on the east by 165° W. longitude.

17. *Bower Basin:* Lies in the Bering Sea north of the Aleutian Islands chain. It is bounded on the north by 56° N. latitude, on the east by 171° W. longitude, on the south by 53° N. latitude west to 174° E. longitude, thence north to 54° N. latitude, thence west.

18. *Aleutian Basin:* Lies in the Bering Sea north of the Bowers Basin area. It is bounded on the south by 56° N. latitude, and on the east by 174° W. longitude from 56° N. latitude to 58° N. latitude, thence west to 180° W. longitude, thence north.

19. *Navarin Basin:* Lies in the western Bering Sea west of St. Matthew Island and south of 63° N. latitude. It is bounded on the northwest by the U.S.-Russia Convention Line of 1867 on the

east by 174° W. longitude, on the west by 180° W. longitude, and on the south by 58° N. latitude.

20. *St. Matthew-Hall:* Bounded on the north by 63° N. latitude, on the west by 174° W. longitude, and on the south by 59° N. latitude.

21. *Norton Basin:* Lies south and southwest of the Seward Peninsula. It is bounded on the south by 63° N. latitude, on the west by the U.S. Russia Convention Line of 1867 and on the north by 65° 34′ N. latitude.

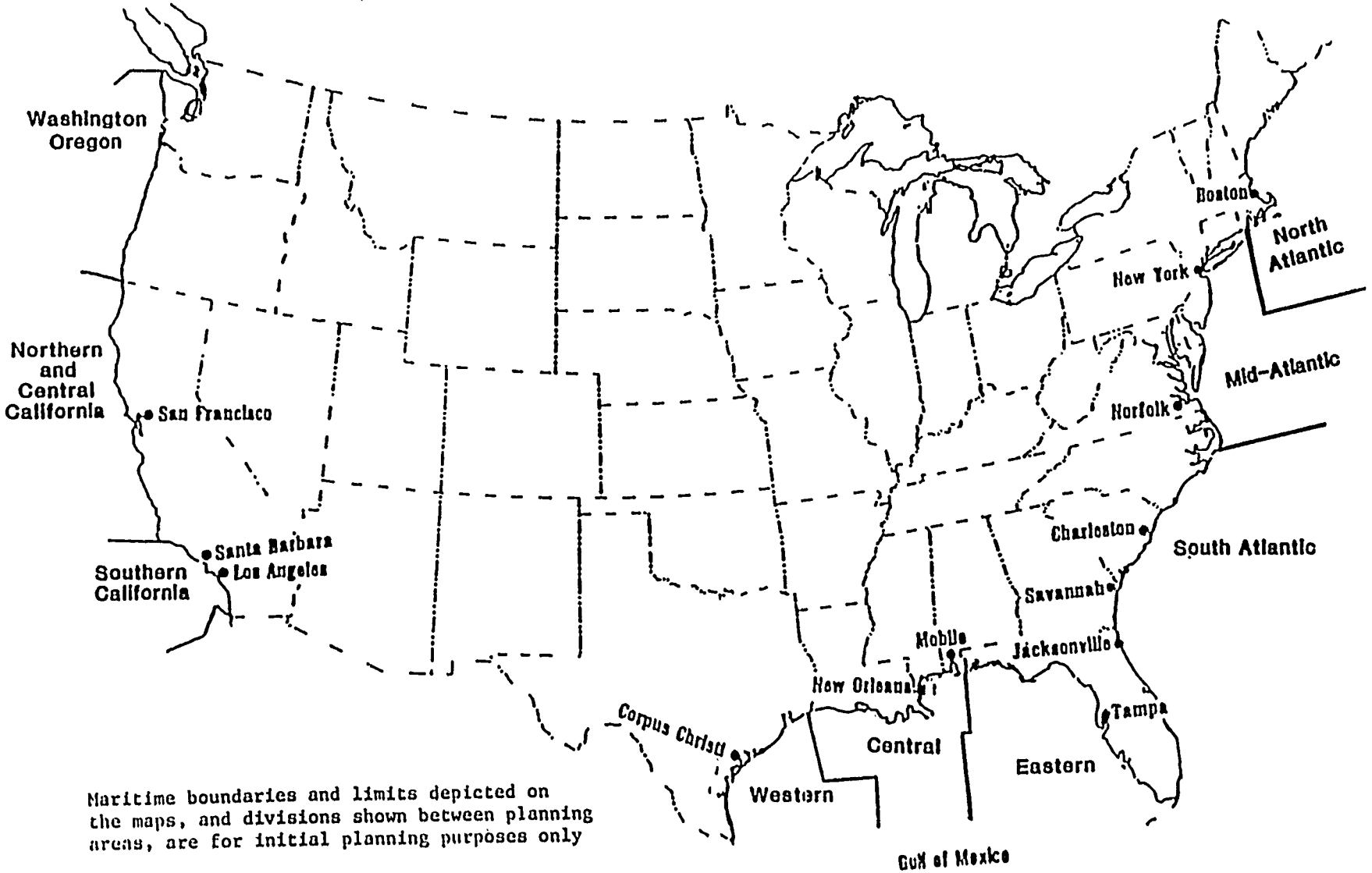
22. *Hope Basin:* Lies north of the Seward Peninsula and is bounded on the west by the U.S. Russia Convention Line of 1867 on the north by 68° 17′ N. latitude and on the south by 65° 34′ N. latitude.

23. *Chukchi Sea:* Bounded on the south by 68° 17′ N. latitude, on the west by the U.S. Russia Convention Line of 1867 The northern boundary extends west along 71° N. latitude from the state territorial sea to 162° W. longitude, thence north from this juncture along 162° W. longitude.

24. *Beaufort Sea:* Lies offshore of Alaska in the Beaufort Sea and the Arctic Ocean. It is bounded on the west by the Chukchi Sea planning area and extends eastward to the limit of U.S. jurisdiction.

BILLING CODE 4310-10-M

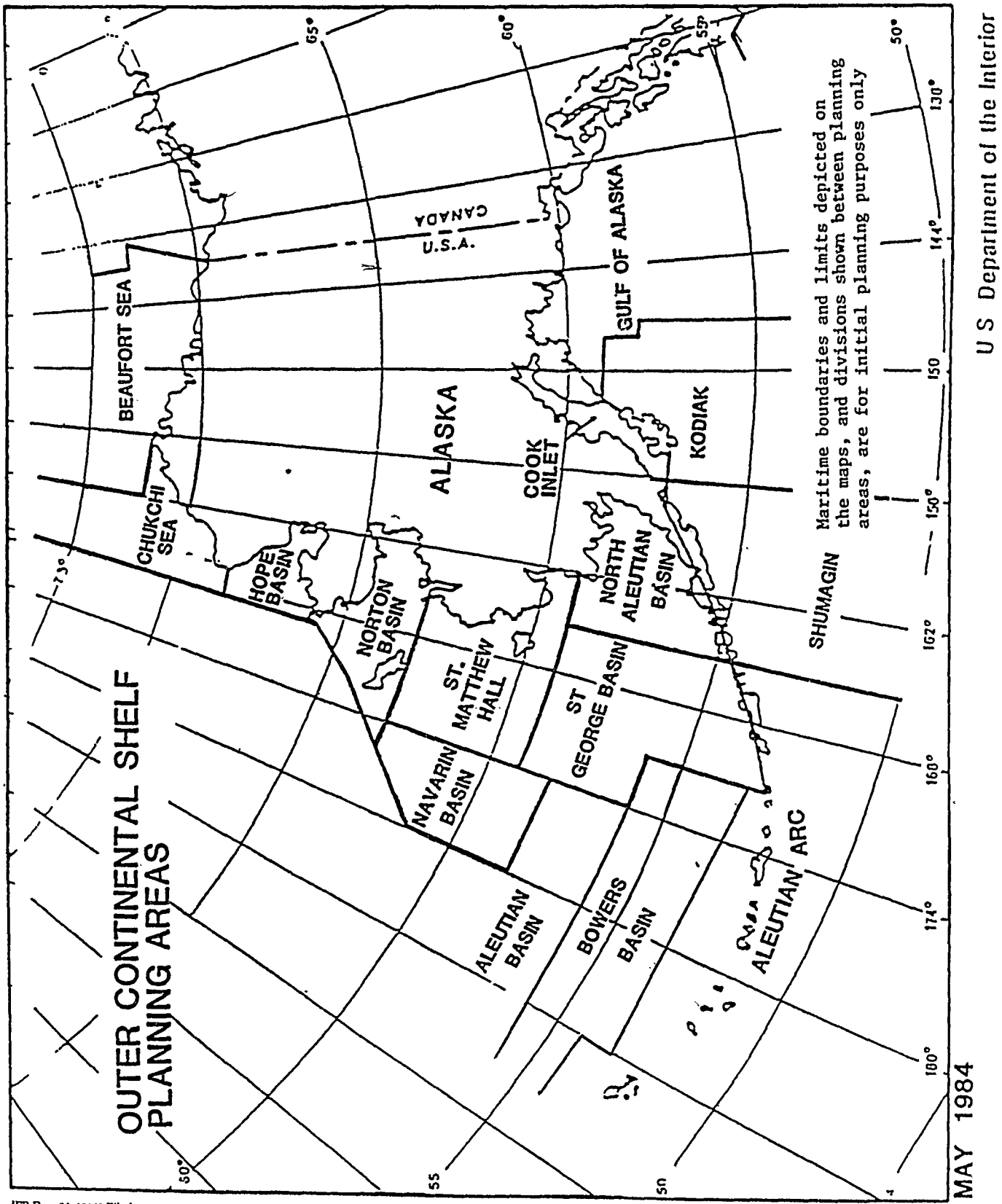
OUTER CONTINENTAL SHELF PLANNING AREAS



Maritime boundaries and limits depicted on the maps, and divisions shown between planning areas, are for initial planning purposes only

MAY 1984

U S Department of the Interior
Minerals Management Service



[FR Doc. 84-18343 Filed 7-10-84; 8:45 am]
BILLING CODE 4310-10-C

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30503]

Railroads; Canton Railroad Company; Securities Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Canton Railroad Company from the provisions of 49 U.S.C. 11301 and 11361 in connection with redistribution of 4,000 shares of stock and change in par value from $50 to $0.25 per share.

DATES: This exemption is effective on July 11, 1984. Petitions to reopen must be filed by July 31, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30503 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Eric D. Gerst, P.C., Suite 900, 21 South Fifth Street, Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSytems, Inc., Room 2227 Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll-free (800) 424-5403.

Decided: July 3, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison

James H. Bayne,

Secretary.

[FR Doc. 84-18419 Filed 7-10-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43; Sub-118X]

Illinois Central Gulf Railroad Co., Abandonment; in Livingston County, IL, Exemption

Illinois Central Gulf Railroad Company (ICG) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost 73.8 and milepost 75.424, a distance of 1.62 miles in Livingston County, IL.

ICG has certified (1) that no local traffic has moved over the line for at least 2 years and overhead traffic is not moved over the line, and (2) that no formal complaint filed by a user of rail service on the line or by a State or local governmental entity acting on behalf of such user regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Illinois has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on August 10, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by July 23, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed July 31, 1934, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to SP's representatives: John H. Doeringer, Illinois Central Gulf Railroad Company, 233 N. Michigan Avenue, Chicago, IL 60601.

If the notice of exemption contains false or misleading information, the use of the exemption is void ab initio.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: June 27, 1984.

By the Commission, Heber P. Hardy Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-18421 Filed 7-10-84; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

July 5, 1984.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on July 23, 1984.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to the first drafting of the Agency's 1986 budget to be submitted to the Office of Management and Budget.

The meeting will begin at 10:00 a.m. and will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., 1st Floor Conference Room (M-09), Washington, D.C. The meeting will be closed to the public pursuant to subsection (9) (B) of section 552b of Title 5, United States Code, because the Council will consider information that may disclose information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call area code 202-786-0322.

Victor J. Loughnan,

Director of Administration.

[FR Doc. 84-18322 Filed 7-10-84; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Establishment of Local Public Document Room and Toll-Free Service Numbers

Correction

In FR Doc. 84-17288, appearing on page 26655, in the issue of Thursday, June 28, 1934, make th following corrections:

1. In the first column, in the Summary, in the eleventh line, "tool free" should read "toll free"

2. In the second column, in the first complete paragraph, in the fifth line, the phone number should read "1/800/368-5642"

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 2-4 of the Federal Aviation Administration National Airspace Review Advisory Committee. The

agenda for this meeting is as follows: The possibility of special helicopter instrument approach procedures with reduced development criteria and minima will be evaluated. Associated weather information dissemination requirements unique to rotorcraft operations will also be studied.

DATE: Beginning Monday, July 30, 1984 at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed two weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7A/B, 800 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Associate Administrator for Air Traffic, AAT-1, 800 Independence Avenue SW., Washington, D.C. 20591, by July 20. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on July 3, 1984.

Karl D. Trautman,

Manager, Special Projects Staff, Office of the Associate Administrator for Air Traffic.

[FR Doc. 84-18306 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Executive Steering Committee of the Federal Aviation Administration National Airspace Review Advisory Committee. The agenda for this meeting is as follows:

Opening Remarks
Presentation of Task Group Staff Studies, including recommendations:
Task Group 1-1.5—Part 73 Review
Task Group 1-3.5—Part 75 Review
Task Group 2-2.3—Special VFR Separation Review
Task Group 3-4.4—Flow Control Procedures
Unfinished business

DATE: July 31, 1984, convenes at 10 a.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, room 1010, 800 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., AAT-30, Washington, D.C. 20591, 202-426-3560. Attendance is open to the interested public, but limited to the space available. To ensure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Associate Administrator for Air Traffic, AAT-1, 800 Independence Avenue SW., Washington, D.C. 20591, by July 24, 1984. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C., on July 2, 1984.

R.J. Van Vuren,

Executive Director, NARAC.

[FR Doc. 84-18307 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 154—Airborne Thunderstom Detection Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App I) notice is hereby given of a meeting of RTCA Special Committee 154 on Airborne Thunderstorm Detection Equipment to be held on August 2-3, 1984 in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:00 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on May 2-4, 1984; (3) Review of Technical Paper on Lightning Stroke Characteristics and Suggested Testing Methods; (4) Review Second Draft of Committee Report on Minimum Operational Performance Standards for Airborne Thunderstorm Detection Equipment; (5) Assignment of Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain informaion should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on June 28, 1984.

Karl F. Bierach,

Designated Officer.

[FR Doc. 84-18304 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-13-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption; E.I. duPont de Nemours and Company, Inc., et al.

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107 Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes, of transpartation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Commment period closes July 24, 1984.

ADDRESS: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
2462-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	2462
3992-X	Dow Chemical Co., Plaquemine, LA.	3992
4039-X	Airco Industrial Gases, Murray Hl, NJ.	4039
4282-X	Hercules, Inc., Wilmington, DE	4282
5315-X	U.S. Department of Defense, Washington, DC.	5315
5704-X	Hercules, Inc., Wilmington, DE	5704
5852-X	South Jersey Gas Co., Folsom, NJ	5852
6080-X	U.S. Department of Energy, Washington, DC.	6080
6113-X	South Jersey Gas Co., Folsom, NJ	6113
6442-X	U.S. Department of Defense, Washington, DC.	6442
6464-X	South Jersey Gas Co., Folsom, NJ	6464
6472-X	Morton Thiokol, Inc., Ogden, UT	6472
6518-X	Union Carbide Corp., Danbury, CT	6518
6538-X	Optimus, Inc., Bridgeport, CT	6538
6538-X	Beltronic Marking Inc., Dorval, Que., Canada.	6538
6538-X	Pan Products Inc., Macedonia, OH	6538
6610-X	Arco Chemical Co., Pasadena, TX	6610
6651-X	Enthone, Inc., New Haven, CT	6651
6652-X	Garrett Pneumatic Systems Division, Tempe, AZ.	6652
6653-X	Shell Oil Co., Houston, TX	6653
6672-X	Chandler Evans Inc., West Hartford, CT.	6672
6724-X	U.S. Department of Defense, Washington, DC.	6724
6760-X	Terra Chemicals International, Inc., Sioux City, IA.	6760
6765-X	Jack B. Kelley, Inc., Amarillo, TX	6765
6890-X	Explosive Technology, Inc., Fairfield, CA.	6890
6927-X	Great Lakes Chemical Corp., El Dorado, AR.	6927
6944-X	U.S. Department of Defense, Washington, DC.	6944
6960-X	Pepsi-Cola Co., Purchase, NY	6960
7052-X	Ferranti O. R. E., Inc., Falmouth, MA.	7052
7076-X	LaMotte Chemical Products Co., Chestertown, MD.	7076
7235-X	Luxfer U.S.A., Ltd., Riverside, CA (see footnote 1).	7235
7259-X	Monsanto Co., Saint Louis, MO	7259
7275-X	Express Airways, Inc., Sanford, FL	7275
7546-X	Grumman Aerospace Corp., Bethpage, NY.	7546
7811-X	J. T. Baker Chemical Co., Phillipsburg, NJ.	7811
7891-X	Reliance Electric Co., Cleveland, OH.	7891
7891-X	Fisher Scientific Co., Fair Lawn, NJ	7891
8013-X	Air Products and Chemicals, Inc., Allentown, PA.	8013
8017-X	do	8017
8059-X	Acurex Corp., Mountain View, CA (see footnote 2).	8059
8101-X	U.S. Department of Defense, Washington, DC.	8101
8127-X	Societe Nationale Des Poudres et Explosifs, Bergerac, France.	8127
8352-X	Altus Corp., San Jose, CA (see footnote 3).	8352
8445-X	Owens-Corning Fiberglas Corp., Granville, OH.	8445
8445-X	FMC Corp., Princeton, NJ	8445
8445-X	McDonnell Douglas Corp., St. Louis, MO.	8445
8464-X	Garrett Pneumatic Systems Division, Phoenix, AZ.	8464
8782-X	Digital Equipment Corp., Northborough, MA.	8782
8783-X	American Chemical & Refining Co., Inc., Waterbury, CT.	8783
8804-X	Dynatrans AB, Gothenburg, Sweden.	8804
8812-X	The Protectosoal Co., Bensenville, IL.	8812
8920-X	SLEMI, Paris, France	8920
8920-X	ETS Faurot-Giel, St Laurent Blangy, France.	8920
8931-X	Teledyne Energy Systems, Timonium, MD (see footnote 4).	8931
8939-X	Poly Processing Co., Inc., Monroe, LA (see footnote 5).	8939
8954-X	Compagnie des Containers Reservoirs (CCR), Paris, France.	8954
8954-X	ETS Faurot Giel, Neuilly-Sur-Seine, France.	8954
8962-X	Union Carbide Corp., Danbury, CT	8962
8965-X	Moog Inc., East Aurora, NY	8965
8970-X	Everpure, Inc., Westmont, IL	8970
8970-X	Hoch Co., Ames, IA	8970
8971-X	Buck Lift International Inc., Carpentersville, IL.	8971
8974-X	Jurden Enterprises of Kansas, Inc., Chanute, KS.	8974
8999-X	do	8999
8915-X	Union Carbide Corp., Danbury, CT	8915
8942-X	Poly Processing Co., Inc., Monroe, LA (see footnote 6).	8942
9002-X	PepsiCo, Inc., Purchase, NY	9002
9024-X	ETS Faurot-Giel, St Laurent Blangy, France.	9024

[1] To authorize use of chalk fit neck rings on new hoop wrapped composite cylinders of 4500 psi design service pressure and to retrofit existing cylinders which were derated to 4000 psi.

[2] To renew and to authorize carbon dioxide and compressed air as additional commodities.

[3] To increase number of cells authorized in one outside packaging.

[4] To renew and to authorize passenger carrying aircraft as an additional mode of transportation for one cell packages.

[5] To authorize methanol and ethanol, classed as flammable liquids as additional commodities.

[6] To authorize methanol and ethanol, classed as flammable liquids, as additional commodities.

Application No.	Applicant	Parties to exemption
4103-P	Mid-South Oxygen Co., Memphis, TN.	4103
5649-P	FMC Corp., Livonia, MI (see footnote 1).	5649
6418-P	Western Farm Service, Inc., Walnut Creek, CA.	6418
6559-P	Brown Welding Supply, Inc., Salina, KS.	6559
6611-P	Tokan K. K., Tokyo, Japan	6611
6614-P	Kelly's Pool Service, Inc., Covina, CA.	6614
6614-P	Abcarna Chemical Co., El Cajon, CA.	6614
7052-P	Tracor Applied Sciences, Inc., Rockville, MD.	7052
8125-P	Emmefer S.A., Geneva, Switzerland	8125
8129-P	Eason & Smith Enterprise, Inc., Del City, OK.	8129
8129-P	Comstoc, Inc., Austin, TX	8129
8129-P	Loma Linda University, Loma Linda, CA.	8129
8129-P	The University of Iowa Iowa City, IA.	8129
8399-P	SGP Inc. Courier Service, East Islip, NY.	8399
8445-P	Comstoc, Inc., Austin, TX	8445
8593-P	CAN-TRO Chemical and Oil Co., Inc., Kansas City, MO.	8593
9017-P	Mobay Chemical Corp., Pittsburgh, PA.	9017
9211-P	Merck Uno, Ltd., New York, NY	9211

[1] Request party status and to authorize trichloro-s-triazinetrione, classed as an oxidizer.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 3, 1984.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-18319 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-60-M

Research and Special Programs Administration

Applications for Exemptions; American Cyanamid Co. et al.

AGENCY: Material Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107 Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comments period closes on August 8, 1984.

ADDRESS *Comments to:* Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9277-N	American Cyanamid Co., Wayne, NJ	49 CFR 173.377(j)	To authorize shipment of organic phosphate compound mixture, dry, Class B poison, in non-DOT specification five-ply kraft multiwall, laminated bags of 50 pounds capacity having a minimum total basis weight of 250 pounds. (modes 1, 2)
9278-N	DSI Transports, Inc., Houston, TX	49 CFR 173.164	To transport chromic acid, dry, classed as an oxidizer, in DOT Specification stainless steel MC-307 cargo tanks. (mode 1)
9279-N	Keystone Steel & Wire Co., Peoria, IL	49 CFR 173.154	To authorize shipment zinc skimmings, flammable solid, in non-DOT specification open-top freight containers covered with tarpaulin. (modes 1, 3)
9280-N	Dow Corning Corp., Midland, MI	49 CFR 173.119(m)	To authorize shipment of various flammable liquids which are also corrosive in DOT Specification MC-330 or MC-331 cargo tanks. (mode 1)
9281-N	Gobal High Energy Systems, Inc., Grand Prairie, TX.	49 CFR 172.101, 173.100(v), 175.3	To authorize pellets, Class A explosive, to be shipped as oil well cartridge, Class C explosive. (modes 1, 4)
9282-N	Halocarbon Products Corp., Hackensack, NJ	49 CFR 173.304(a)	To authorize shipment of trifluoroethylene, classed as compressed gas, in DOT Specification 110A800W tanks. (mode 1)
9283-N	Varian Associates, Palo Alto, CA	49 CFR 173.306(f)(3), 175.3	To authorize shipment of helium classed as nonflammable gas in accumulators tested to two times their charged pressure at 70 Degrees F. instead. (modes 1, 2, 4, 5)
9284-N	Mac Const., Inc., Oakwood, VA	49 CFR 173.315	To authorize shipment of gaseous methane, flammable gas, in DOT Specification MC-330 or MC-331 cargo tanks. (mode 1)
9285-N	Velsicol Chemical Corp., Chicago, IL	49 CFR 173.365	To authorize shipment of endosulfan, poison B solid, contained in polyethylene bags, four of which are overpacked in non-DOT specification metal drums. (mode 1)
9286-N	The Continental Group, Inc., Lombard, IL	49 CFR 178.224	To manufacture, mark and sell fiber drums similar to DOT Specification 21C except for capacity of up to 75 gallons instead of 55 gallons for net weight not exceeding 250 pounds. (modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 2, 1984.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 84-18320 Filed 7-10-84; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 19-84]

Series F-1991; Treasury Note

July 5, 1984.

The Secretary announced on July 3, 1984, that the interest rate on the notes designated Series F-1991, described in Department Circular—Public Debt Series—No. 19-84 dated June 20, 1984, will be 13¾ percent. Interest on the notes will be payable at the rate of 13¾ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-18338 Filed 7-10-84; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular; Public Debt Series—No. 20-84]

Treasury Bond of 2004

July 6, 1984.

The Secretary announced on July 5, 1984, that the interest rate on the bonds designated Bonds of 2004, described in Department Circular—Public Debt Series—No. 20-84 dated June 20, 1984, will be 13¾ percent. Interest on the bonds will be payable at the rate of 13¾ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 84-18337 Filed 7-10-84; 8:45 am]

BILLING CODE 4810-40-M

Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227 1201 Constitution Avenue NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: Form RL1-430
Type of Review: New
Title: Correspondence Review Follow-up Letter

OMB Number: 1545-0240
Form Number: 240
Type of Review: Extension
Title: Claim of Income Tax Return Prepares

OMB Number: 1545-0678
Form Number: 637A
Type of Review: Extension
Title: Registration for Tax Free Sales and Purchases of Fuel Used in Aircraft

OMB Number: 1545-0010
Form Number: W-4
Type of Review: Existing Regulation
Title: Employee's Withholding Allowance Certificate

OMB Number: 1545-0173
Form Number: 4563
Type of Review: Revision
Title: Exclusion of Income From Sources in United States Possessions

OMB Number: 1545-0675
Form Number: 1040 EZ
Type of Review: Revision
Title: U.S. Individual Tax Return

OMB Number: 1545-0016
Form Number: 706-A
Type of Review: Extension
Title: United States Additional Estate Tax Return

OMB Number: 1545-0160
Form Number: 3520A
Type of Review: Extension

Title: Annual Return of Foreign Trust With U.S. Beneficiaries

Alcohol, Tobacco and Firearms

OMB Number: 1512–0387
Form Number: ATF Rec 7570/2 and 7570/3
Type of Review: Extension
Title: Records of Acquisition and Disposition of Firearms

OMB Number: 1512–0040
Form Number: ATF F 5630.2 and 5630.3
Type of Review: Extension
Title: Taxpayer Delinquency Program Form Letter

OMB Number: 1512–0026
Form Number: ATF Form 3 (7560.3)
Type of Review: Extension
Title: Transfer of Firearm and Registration Special (Occupational) Taxpayer

OMB Number: 1512–0292
Form Number: ATF Rec 5120/2
Type of Review: Extension
Title: Letterhead Applications and Notices Relating to Wine

OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joseph F. Maty,

Departmental Reports, Management Office.

[FR Doc. 84–18352 Filed 7–10–84; 8:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 134
Wednesday, July 11, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Federal Deposit Insurance Corporation	1, 2
Pacific Northwest Electric Power and Conservation Planning Council	3

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, July 16, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance and for consent to purchase assets and assume liabilities and establish one branch:

Cedar Security Bank, Fordyce, Nebraska, a proposed new bank, for Federal deposit insurance, for consent to purchase the assets of and assume the liability to pay deposits made in the Fordyce Cooperative Credit Association, Fordyce, Nebraska, and the Wynot Cooperative Credit Association, Wynot, Nebraska, operating noninsured institutions, and for consent to establish the sole office of Wynot Cooperative Credit Association as a branch of Cedar Security Bank.

Reports of committees and officers:

Minutes of actions approved by the standing committees for the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 9, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-18457 Filed 7-9-84; 3:21 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, July 16, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc..

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: July 9, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-18458 Filed 7-9-84; 3:21 pm]

BILLING CODE 6714-01-M

3

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Northwest Power Planning Council

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open. An executive session to discuss pending litigation and personnel matters will follow the meeting on July 18.

TIME AND DATE: July 18-19, 1984, 10:00 a.m.

PLACE: Cavanaugh's River Inn, North 700 Division Street, Spokane, Washington.

MATTERS TO BE CONSIDERED:

July 18

1. Status Report on Fish and Wildlife Program Goals Study.
2. Council Decision to Enter Rulemaking on Energy Surcharge Methodology (Appendix D of Northwest Power Plan) [1]

[1] Copies are available by calling the Council's toll-free numbers (1-800-222-3355 in Idaho, Montana, and Washington) (1-800-452-2324 in Oregon) or 503-222-5161.

3. Public Comment on Resource Options Issue Paper [1]
4. Council Decision on Approval of Natural Gas Litigation Settlement [2]
5. Council Business
6. Public Comment

July 19

Public Hearing on Draft Amendment Document for Columbia Basin Fish and Wildlife Program.

FOR FURTHER INFORMATION CONTACT:
Ms. Bess Wong (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-18428 Filed 7-9-84; 1:45 pm]

BILLING CODE 0000-00-M

[2] Copies of the natural gas company litigation settlement can be obtained by calling Frank Ostrander, General Counsel, at the above-listed numbers.

Federal Register

Wednesday
July 11, 1984

Part II

Office of Personnel Management

5 CFR Part 532
Prevailing Rate Systems; Final Rule

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: The Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing this regulation to complete the second phase of the implementation of revised regulations for supervisory wage employees. The regulation will change the WS–19 linkage point in the pay formula for wage supervisors from GS–14, step 2, to GS–14, step 3, in accordance with an earlier decision by OPM that such a change was required on the basis of a review of comparable positions in the private sector.

EFFECTIVE DATE: July 28, 1984.

FOR FURTHER INFORMATION CONTACT: David Weisberg, (202) 632–7830.

SUPPLEMENTARY INFORMATION: On March 30, 1983, OPM published a final rule (48 FR 13384) to change the pay and grading plan for Federal wage supervisors in accordance with private industry practices. These changes were scheduled to be carried out over a two-year period to minimize government expenditures under the Administration's economic recovery program. However, an additional 90 days are needed to implement these changes because of the delay in wage area schedule adjustments required by Pub. L. 98–151, dated November 14, 1983.

Under the second phase of the supervisory adjustments, the WS–19 linkage point in the supervisory pay formula will be raised from GS–14/2 to GS–14/3. This change will take place on a wage area by wage area basis, beginning the first day of the first pay period on or after July 28, 1984. A separate OPM bulletin (FPM bulletin 532–55, dated May 29, 1984) instructs agencies on the actions to be taken to raise the grades of all properly graded General Foremen coincident with this regulatory change in the pay formula for wage supervisors. Pursuant to section 553(b)(3)(B) of Title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because the decision to change the supervisory pay formula linkage in two phases (of which this is the second) was published in proposed rules on May 21, 1982 (47 FR 21100), and was adopted as a final rule on March 30, 1983 (48 FR 13384).

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because their only measurable impact will be on the large Federal agencies which have significant numbers of supervisory wage positions.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

PART 532—PREVAILING RATE SYSTEMS

Accordingly, the Office of Personnel Management is revising 5 CFR 532.203(d)(2) to read as follows:

§ 532.203 Structure of regular wage schedules.

* * * * *

(d) * * *

(2) For grades WS–11 through WS–19, based on a parabolic curve linking the WS–10 rate to the WS–19 rate, which latter rate is equal to the third rate in effect for General Schedule grade GS–14 at the time of the area wage schedule adjustment.

* * * * *

(5 U.S.C. 5343, 5346)

[FR Doc. 84–18300 Filed 7–10–84; 8:45 am]

BILLING CODE 6325–01–M

Federal Register

Wednesday
July 11, 1984

Part III

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 309

Handicapped Children's Early Education Program; Final Regulations

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 309

Handicapped Children's Early Education Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations under section 623 of Part C of the Education of the Handicapped Act, as amended. The Handicapped Children's Early Education Program provides support through grants, contracts, and cooperative agreements to public agencies and private nonprofit organizations to develop and implement experimental preschool and early education programs. Awards are also provided to assist States in planning, developing, and implementing comprehensive delivery systems that provide special education and related services to handicapped children from birth through five years of age.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments, with the exception of § 309.54(b). Section 309.54(b) will become effective following the Department of Education's submission and the Office of Management and Budget's (OMB) approval of reporting requirements contained in that section under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Becky Calkins, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW. (Switzer Building, Room 4611), Washington, D.C. 20202. Telephone: (202) 732-1165.

SUPPLEMENTARY INFORMATION: The Handicapped Children's Early Education Program was established under Pub. L. 91-230 on April 13, 1970, and is currently authorized by Section 623 of Part C of the Education of the Handicapped Act (20 U.S.C. 1423).

A notice of proposed rulemaking was published on April 20, 1984 (49 FR 16960). The comments received in response to this notice and the Secretary's responses to those comments are summarized below:

Comment. One commenter suggested that the phrase "in developing and implementing" in § 309.1(a) be changed to "in developing, implementing, and disseminating" to better reflect the program goals.

Response. No change has been made. A fuller description of the kinds of projects supported under § 309.1(a) is contained in § 309.10 and addresses the concerns of the commenter.

Comment. One commenter suggested that the language "establish specific strategies" be changed to "establish and document specific strategies" to better reflect the activities of demonstration projects as described under § 309.10(a)(1).

Response. No change has been made. The Secretary believes that the concerns of the commenter have been adequately met in the requirements for project applications under § 309.20.

Comment. One commenter suggested that "in providing quality services" under § 309.10(a)(2) be changed to "in providing and expanding quality services" to better reflect the activities of outreach projects.

Response. A change has been made. The phrase "dissemination and diffusion" has been changed to "replication." In addition, the phrase "in expanding and improving services to handicapped children" is used to indicate that projects may be proposed either to improve services to children already served by a program or to expand services of an existing program.

Comment. Several commenters urged that program eligibility for Handicapped Children's Early Education Program outreach projects be restricted to applicants who have successfully completed a demonstration project and have continued the demonstration project with another funding source. Two other commenters supported the inclusion of other applicants if provision is made for assuring the quality of the model program proposed for adoption through outreach activities.

Response. A change has been made. The Secretary recognizes the contribution to educational excellence of the outreach projects supported under the Handicapped Children's Early Education Program. There are, however, other programs of proven value for handicapped children within the age range of birth through eight years which have been supported by other funding sources. Dissemination and diffusion of these qualified projects among States and local communities could be of substantial benefit to handicapped children. Section 309.10(b)(2)(i) has been revised to require that applicants have completed demonstration projects assisted under the Handicapped Children's Early Education Program, or projects assisted with other Federal, State, local, private, or non-profit funding sources that have achieved effective results with children.

Comment. One commenter suggested that § 309.20(a)(1) be revised by adding "and characteristics of families" after "children" to better reflect current demographic data collection.

Response. No change has been made. The Secretary believes that the potential value of this information would not outweigh the burden this data collection effort would impose upon grantees.

Comment. One commenter suggested that a "description of the intervention or experimental approach, including a statement of philosophy or curriculum" be substituted in § 309.20(a)(3) for "curriculum" as being more specific to program needs.

Response. No change has been made. The information on the intervention or experimental approach, including a statement of philosophy, is already included in applications, in response to the selection criterion under § 309.33(a)(2)(iii), *Plan of operation.*

Comment. One commenter suggested that "disseminate and to" be added before "promote the adoption" in § 309.20(a)(8) to better reflect the desired activities.

Response. A change has been made. The language suggested by the commenter has been added to § 309.20(a)(8) to make it consistent with § 309.10(a)(1).

Comment. Four commenters noted that combining demonstration and outreach application requirements in § 309.20 is somewhat confusing and requires the outreach applicants to respond with data on the adopting sites that might not be available at the time of application submission.

Response. A change has been made. To make a clearer distinction between demonstration and outreach projects, the phrase "or an outreach project" in § 309.20(a) and the entire § 309.20(c) have been dropped from this section. A conforming change has been made to the heading at § 309.20.

Comment. Several commenters suggested various additions to § 309.21 regarding application requirements for an outreach project, including plans to evaluate the project's effectiveness.

Response. Changes have been made. The Secretary has adopted most of these suggestions and believes that the changes to §§ 309.20 and 309.21 will substantially reduce information collection and reporting burdens on potential applicants, while strengthening and clarifying application requirements to ensure selection of worthy outreach project proposals. Section 309.21 has

been revised by inserting a new paragraph (b): "(b) For each agency listed, a description that includes—(i) The nature and scope of the agency's current services; (ii) How those services will be affected through outreach activities; (iii) The anticipated impact of outreach assistance; and (iv) Evidence that the agency is interested in cooperating with the applicant's outreach activities." A new paragraph (c) has been added to read: "(c) A description of the model program upon which their demonstration project is based, including evidence of the effectiveness of the model program with children, parents, or other recipients of the model programs's services." Paragraphs (b)–(f) in § 309.21 of the regulations have been retained and renumbered. Evaluation plans are already required under § 309.33(d).

Comment. One commenter requested that a sentence be added to § 309.21 to require inclusion in the applications of "a statement of outreach program focus delineated that meets one or more of the priorities under § 309.32."

Response. No change has been made. Section 309.30 describes the procedures used by the Secretary to announce which priorities are to be addressed by applicants.

Comment. Two commenters requested that priorities be added under §§ 309.31 and 309.32 that address demonstration and outreach "especially projects that serve ethnic and linguistic minority group handicapped children and economically disadvantaged children," and "projects to serve migrant handicapped children."

Response. A change has been made. The intent of §§ 309.31(c) and 309.32(b) in the proposed regulations was to give attention to the needs of those groups as unserved or underserved handicapped children. The language recommended by the commenter has been added to §§ 309.31(c) and 309.32(b) to make it clear that projects will be invited that propose activities designed to meet the special needs of those populations.

Comment. One commenter expressed concern about the lack of specificity of priorities listed under § 309.32 (a), (b), and (d) for outreach programs.

Response. No change has been made. The purpose of priorities is to allow the Secretary to annually determine the needs of the field and to request projects addressing these needs. Flexibility is needed in priority statements so that the entire needs of a field may be requested within priorities without precluding important aspects by overly specific language. In outreach priorities, the Secretary believes that flexibility is needed in order to adapt program models from demonstration funding into program models needed by various States and regions.

Comment. One commenter suggested that for purposes of clarifying the status of the State Planning Grant, the word "one" be substituted for "a" in § 309.50(a) in the phrase "The Secretary makes a grant to each State * * *" and the word "or" be substituted for the word "and" in the phrase "planning, developing, and implementing * * *"

Response. A change has been made. The use of the term "a grant" is appropriate since a single State may, over a period of time, apply for each type of grant. The suggestion to change "and" to "or" has been adopted.

Comment. One commenter felt that the description of the comprehensive service delivery system under § 309.51(b) lacked the elements of (1) the necessary legislative and administrative authority, including standards, regulations, and policy, and (2) provision of adequate fiscal resources to support services.

Response. No change has been made. The Secretary believes that the provisions of § 309.51(b) give notice to States that these elements must be considered in planning, developing, or implementing a comprehensive early childhood service delivery system.

Comment. One commenter suggested that § 309.50(b) by expanded to include other elements necessary to the successful operation of a comprehensive statewide delivery system, including transportation, nutrition, public awareness, case management, and technology applications.

Response. A change has been made. The language in § 309.50(b) now indicates that the elements listed under this section are not exclusive. The Secretary believes, however, that further specificity is unnecessary and that States should be given as much flexibility as possible to add elements which are necessary and appropriate to meet their unique needs.

Comment. One commenter noted the absence of a global definition of "at risk" handicapped children and the inclusion of the "prenatal period" in the definition of a comprehensive State Plan (§ 309.50(b)(1)).

Response. No change has been made. The Secretary recognizes that the States' definitions of these terms will vary and believes that the States should be given flexibility to develop services for these two populations within their unique circumstances and capabilities.

Comment. One commenter suggested that "agencies" be changed to "responsible State agencies" in § 309.50(c) for consistency with the first paragraph of the section.

Response. No change has been made. The rest of the language of § 309.50(c) defines the agencies' responsibility in a manner consistent with § 309.50(a).

Comment. Two commenters suggested extensive changes to § 309.51 (a) and (b). One commenter suggested extensive additional requirements and information for the purpose of each State's planning and monitoring process. Other comments pointed out the need to relate previous State efforts in the description of activities for Development Grants. Both commenters suggested that applications for Planning Grants should focus on the planning procedures, needs assessment or the results of previous needs assessments, the delineation of groups affected by coordinated State Plans, management plans, policies needed, and personnel and fiscal resources for planning activities.

Response. A change has been made. The Secretary believes that the burden of providing extensive additional information and imposing further requirements for applications for State Planning Grants would restrict the abilities of applicant States to determine their best patterns of organizing and planning. Information on the design of the planning process, is, however, relevant to the Planning Grant and distinguishes this type of project from a Development Grant. Thus, § 309.51(b)(2) has been amended to require applications to include the preliminary plans and procedures for designing a plan.

Comment. One commenter suggested that the phrase "successfully completed planning activities" be deleted from § 309.52(a) as not required by statute.

Response. No change has been made. The Secretary interprets the Act to require that States demonstrate readiness to move from planning to development activities prior to receiving approval for a State Development Grant.

Comment. One commenter recommended that the application under § 309.50(b) specify the State authority that must approve the Early Childhood State Plan.

Response. No change has been made. The Secretary has relied on the statutory language, section 623(b)(2)(B) of the Act, regarding this matter. The statute indicates that the approving body could be the Commissioner, the State board, or another agency. Since the approving body varies from State to State, the approving body could not be specified within the regulations.

Comment. One commenter suggested that the following language be added to

the application requirements at §309.52(b)(6): "Proposed activities to attain results called for in the objective statements, general timelines, and an outline of resources that may be needed."

Response. No change has been made. These suggestions have not been included here, since the provisions under § 309.51(b) are designed to elicit this information as States progress from planning to implementation projects.

Comment. One commenter suggested language to ensure public input and feedback to the State Plan and to publish and distribute the State Plan to interested parties within the State, seeking modifications of both §§ 309.52(b)(7) and 309.53(b)(6).

Response. No change has been made. Section 309.51(b)(2) already requires States to assure public awareness of the development and implementation of the State Plan.

Comment. Two commenters recommended that in § 309.53(b) the Implementation Grant applications require States to report on evaluation activities with Implementation Grants.

Response. No change has been made. The Secretary does not wish to impose additional data collection and reporting burdens on States.

Comment. Several commenters expressed concern about the lack of designation of the State educational agency as the focal point in planning, developing, or implementing the Early Childhood State Plan described in §§ 309.50–309.54. Some commenters noted the traditional role of the State educational agency in establishing educational services for preschool handicapped children. Others suggested that the lack of involvement with State educational agencies in planning, developing, and implementing early childhood programs and services could pose potential problems in ensuring a State's compliance with State and Federal laws governing the education of handicapped children. Several commenters recommended that first priority be given to State educational agencies as applicants and grantees, especially where a State's law requires the provision of special education and related services to preschool handicapped children.

Response. A change has been made. In the notice of proposed rulemaking, the Secretary included provisions to make it clear that (1) an applicant for a State Grant must have some responsibility, under State law or policy, for the *education* of handicapped children from birth through five years of age in the State; (2) that any agency with that responsibility can participate in a joint project with any other responsible agency; and (3) that an agency that is not a State educational agency must submit an assurance that it will coordinate with the State educational agency in carrying out the grant (§§ 309.50–309.54). Nothing in the statute or these regulations precludes a State educational agency from establishing reasonable conditions as a basis for its participation in a State Grant project conducted by some other responsible agency. The language in § 309.54 has been revised to emphasize that if an agency other than the State educational agency applies for a State grant, it must provide the assurances and evidence that it will coordinate with and involve State educational agency in applying for an award and in conducting its project. The Secretary believes, however, that giving a priority to the State educational agency is beyond the scope of authority provided by the statute, and would not be appropriate in those States where agencies other than the State educational agency have legal or delegated authority for serving certain age groups of handicapped children in the age ranges of birth through five.

Comment. One commenter suggested clarifying the relationship of the State Plan with the activities of "child find" by substituting "identification, location, and evaluation" in § 309.54(a)(4) which is more consistent with section 612(2)(C) of Part B of the Act.

Response. A change has been made. The Secretary agrees that the suggested wording is preferable.

Comment. Two commenters felt that the proposed regulations did not delineate the full range of options available to the Secretary for projects under this part, i.e., grants, contracts, or cooperative agreements.

Response. No change has been made. The Secretary intends to use the full range of funding options available under the statute. This part applies to the award of grants and cooperative agreements. Contract awards under section 624 of the Act are governed by 48 CFR (Federal Acquisition Regulations). Thus, the Secretary has not included this information in the text of the regulations. The Secretary will choose the appropriate award instruments under the statute and the Federal Grants and Cooperative Agreements Act (31 U.S.C. 631 *et seq.*).

Comment. One commenter observed that nowhere in the regulations were the time periods for demonstration and outreach grants specified. The commenter urged the funding of outreach projects beyond one year.

Response. No change has been made. The Secretary requires flexibility to determine the period of funding for new grants, based upon program needs and the availability of funds.

Comment. Two commenters expressed concern about the data collection activities required by the statute, as the law was felt to suggest a potentially cumbersome and burdensome system.

Response. A change has been made. Under section 623(b)(4)(C) of the Act, the Secretary must provide an annual report to Congress under section 618 of the Act that describes the status of special education and related services to handicapped children from birth through five years of age. The Secretary believes that information from grantees on this matter is essential to ensure accurate and reliable data. Therefore, the Secretary has included a provision in § 309.54(b) that requires each applicant, in its application, to give assurance that it will cooperate with the Secretary in this effort. The Secretary appreciates the commenters' concerns and will consult with appropriate organizations and agencies on the best way to collect this information. In addition, a notice of intent to collect data was recently published (49 FR 21979; May 24, 1984) to elicit comments on potential problems that must be considered in developing data collection procedures and forms to carry out these activities.

These regulations implement section 623 of the Act, as amended by Pub. L. 98–199, the Education of the Handicapped Act Amendments of 1983, and incorporate the Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

A summary of the regulations follows.

(a) Subpart A—General

Section 309.1 describes the scope and purpose of the program.

Section 309.2 provides information on the parties eligible to receive a grant for the various types of projects under this program.

Section 309.3 lists the regulations that apply to this program, including Parts 74, 75, 77 78, and 79 of EDGAR.

Section 309.4 provides definitions that apply to the program. It incorporates EDGAR definitions as well as definitions of "handicapped children," "parent," "related services," and "special education" as used in the Assistance to States for Education of Handicapped Children program (34 CFR Part 300).

(b) Subpart B—What Kinds of Demonstration and Outreach Projects May Be Supported Under This Part?

Section 309.10 describes the purposes of demonstration and outreach projects. The Secretary retains the distinction between these two types of projects contained in the current regulations. The Secretary believes that the two categories of awards are necessary to ensure both that experimental approaches are tried and that the results of successful experimental projects are disseminated to others.

(c) Subpart C—How Does One Apply for Demonstration or Outreach Projects?

Section 309.20 describes the application requirements for demonstration projects.

Section 309.21 describes the application requirements for outreach projects.

On the basis of program experience, it is the Secretary's view that the comprehensive information required by these sections is necessary to ensure that the most promising projects are selected.

(d) Subpart D—How Does the Secretary Make a Grant for a Demonstration or Outreach Project?

Section 309.30 describes how the Secretary selects priorities for funding.

Section 309.31 lists priorities for demonstration projects.

Section 309.32 lists priorities for outreach projects. The Secretary believes that the sections on priorities are necessary to ensure that the program addresses the most pressing needs as they change from year to year.

Section 309.33 identifies the criteria for selection of demonstration and outreach projects.

(e) Subpart E—What Conditions Must Be Met by a Demonstration or Outreach Grantee?

Section 309.40 lists conditions that must be met by demonstration and outreach project grantees.

(f) Subpart F—What Kinds of Early Childhood State Plan Projects May Be Supported Under This Part?

Section 309.50 describes the purpose of, and identifies those State agencies eligible to receive a grant under, this subpart. Section 309.50(b) describes the elements of a comprehensive delivery system of early education for handicapped children. The Secretary believes that a description is necessary to provide guidance to States and to ensure that appropriate special education and related services will be provided to handicapped children from birth through age five.

Section 309.51 describes the scope and purpose of Early Childhood State Planning Grants.

Section 309.52 describes the scope and purpose of Early Childhood State Development Grants.

Section 309.53 describes the scope and purpose of Early Childhood State Implementation Grants.

Sections 309.51—309.53 also describe the information that must be included in applications for Early Childhood State Plan projects. The Secretary believes that these provisions are necessary to provide a framework for State planning and to ensure that each participating State's early education delivery system is comprehensive.

Section 309.54 describes other requirements applicable to Early Childhood State Plan projects.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document provides early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

The information collection requirements in these regulations (§ 309.21) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned an OMB control number. The control number appears as a citation at the end of this part. Information collection requirements contained in these regulations at § 309.54(b) will become effective after the Education Department's submission and OMB approval.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. To the extent that these regulations affect States and State agencies, they will not have an impact on small entities because States and State agencies are not considered small entities under the Regulatory Flexibility Act. The application requirements in the regulations and other conditions for program participation will not place undue burdens on small entities participating in the program or have a significant economic impact on these entities. The matching requirements for demonstration and outreach projects permit the maximum Federal contribution authorized by law.

Assessment of Educational Impact

In the notice of proposed rulemaking, published in the Federal Register on April 20, 1984, the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 309

Education, Education of handicapped, Education—research, Grants program—education, Preschool, Reporting and recordkeeping requirements, Teachers.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(20 U.S.C. 1423)

(Catalog of Federal Domestic Assistance Number 84.024; Handicapped Children's Early Education Program)

Dated: July 6, 1984.

T.H. Bell,

Secretary of Education.

The Secretary revises Parts 309 of Title 34 of the Code of Federal Regulations as follows:

PART 309—HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

Subpart A—General

Sec.

309.1 What is the Handicapped Children's Early Education Program?

Sec.
309.2 Who is eligible to apply for funds under the Handicapped Children's Early Education Program?
309.3 What regulations apply to the Handicapped Children's Early Education Program?
309.4 What definitions apply to the Handicapped Children's Early Education Program?
309.5–309.9 [Reserved]

Subpart B—What Kinds of Demonstration and Outreach Projects May Be Supported Under this Part?

309.10 What types of demonstration and outreach projects does the Handicapped Children's Early Education Program support?
309.11–309.19 [Reserved]

Subpart C—How Does One Apply for Demonstration or Outreach Projects?

309.20 What must be included in applications for demonstration projects?
309.21 What are the application requirements for outreach projects?
309.22–309.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant for a Demonstration or Outreach Project?

309.30 How does the Secretary select priorities for demonstration or outreach projects?
309.31 What are the priorities for demonstration projects?
309.32 What are the priorities for outreach projects?
309.33 What are the selection criteria for demonstration or outreach projects?
309.34 Are awards for demonstration or outreach projects geographically dispersed?
309.35–309.39 [Reserved]

Subpart E—What Conditions Must Be Met by Demonstration or Outreach Grantees?

309.40 What conditions must be met by demonstration or outreach grantees?
309.41–309–49 [Reserved]

Subpart F—What Kinds of Early Childhood State Plan Projects May Be Supported Under this Part?

309.50 General.
309.51 What is the Early Childhood State Planning Grant?
309.52 What is an Early Childhood State Development Grant?
309.53 What is an Early Childhood State Implementation Grant?
309–54 What are the other Early Childhood State Plan application requirements?
309.55–309.59 [Reserved]

Authority: Sec. 623 of the Education of the Handicapped Act (20 U.S.C. 1423), unless otherwise noted.

Subpart A—General

§ 309.1 What is the Handicapped Children's Early Education Program?

The purposes of this program are to—

(a) Assist eligible parties in developing and implementing experimental preschool and early education programs for children from birth through eight years of age; and

(b) Assist States in developing and implementing a comprehensive delivery system that provides special education and related services to handicapped children from birth through five years of age.

(20 U.S.C. 1423)

§ 309.2 Who is eligible to apply for funds under the Handicapped Children's Early Education Program?

Eligible parties for demonstration and outreach projects are listed in § 309.10(b). Eligible parties for Early Childhood State Plan projects are listed in § 309.50.

(20 U.S.C. 1423)

§ 309.3 What regulations apply to the Handicapped Children's Early Education Program?

The following regulations apply to assistance under this program:

(a) The regulations in this Part 309.

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review of Department of Education Programs and Activities.

(20 U.S.C. 1423; 20 U.S.C. 3474(a))

§ 309.4 What definitions apply to the Handicapped Children's Early Education Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
EDGAR
Fiscal year
Grant
Local educational agency
Nonprofit
Nonpublic
Preschool
Private
Project
Public
Secretary
State
State educational agency

(b) *Definitions in 34 CFR Part 300.* The following terms used in this part are defined in 34 CFR Part 300:

Handicapped children (§ 300.5)
Parent (§ 300.10)
Related services (§ 300.13)
Special education (§ 300.14)

(c) *Other definitions.*

"Act" means the Education of the Handicapped Act (20 U.S.C. 1401 *et seq.).*

(20 U.S.C. 1423; 20 U.S.C. 3474(a))

§§ 309.5–309.9 [Reserved]

Subpart B—What Kinds of Demonstration and Outreach Projects May Be Supported Under This Part?

§ 309.10 What types of demonstration and outreach projects does the Handicapped Children's Early Education Program support?

(a) The Handicapped Children's Early Education Program supports experimental preschool and early education programs for handicapped children. These programs are intended to promote a comprehensive service delivery system to meet the special needs of handicapped children from birth through eight years of age.

(1) *Demonstration projects.* These projects assist in developing and implementing innovative and experimental practices that establish specific strategies and products worthy of dissemination and replication.

(2) *Outreach projects.* These projects support the replication of established practices to assist other agencies and organizations in expanding and improving services to handicapped children.

(b) *Eligibility.* (1) *Demonstration projects.* Parties eligible to receive assistance for demonstration projects are public or nonprofit private agencies, organizations, or institutions.

(2) *Outreach projects.* Parties eligible to receive assistance for outreach projects are public or nonprofit private agencies, organizations, or institutions that—

(i) Have completed demonstration projects assisted under the Handicapped Children's Early Education program, or projects assisted with other Federal, State, local, private or nonprofit funding sources that have achieved effective results with children; and

(ii) Have continued the demonstration project program model with local, State, or other funding other than under this part.

(c) *Matching requirements.* Federal financial participation for projects assisted under this section may not exceed 90 percent of the total annual costs of development, operation, and evaluation of any project.

(20 U.S.C. 1423(a))

§§ 309.11-309.19 [Reserved]

Subpart C—How Does One Apply for Demonstration or Outreach Projects?

§ 309.20 What must be included in applications for demonstration projects?

(a) An applicant for a demonstration project under this part shall include in its application—

(1) Demographic information about the population to be served, including the handicapping conditions of the children;

(2) The criteria which will be used to determine whether a child is handicapped (as defined in 34 CFR 300.5) for the purpose of participating in the project;

(3) The curriculum design;

(4) A description of the services, including related services, to be made available to the participating children;

(5) A description of the procedures for assessing the progress of the participating children;

(6) A description of the provisions for parent and family participation;

(7) A description of the provisions for training project personnel, parents, and caretakers;

(8) A description of proposed activities to disseminate and to promote the adoption of the program model by other agencies;

(9) The plans for evaluation of the project's effectiveness;

(10) The plans for continuation of the program from sources other than this part; and

(11) An assurance that provisions will be made for coordination with State and local educational agencies, and appropriate public and private health and social service agencies, in order to—

(i) Inform those agencies of the nature and purposes of the assisted project's program;

(ii) Provide opportunities for the project staff to coordinate their activities with the staff of those agencies;

(iii) Use available services in order to provide a comprehensive program which avoids duplication of effort;

(iv) Facilitate the dissemination of knowledge about the program;

(v) Develop mechanisms for future adoption or adaptation of program components;

(vi) Relate the program to State and local planning;

(vii) Provide liaison between early childhood programs and local school programs for children progressing from one to the other; and

(viii) Encourage continued active parental participation in the educational progress of handicapped children.

(b) Each applicant for a demonstration project shall include the information under paragraph (a) of this section in the description of the program conducted at each demonstration site.

(20 U.S.C. 1423(a))

§ 309.21 What are the application requirements for outreach projects?

An applicant for an outreach project under this part shall include in its application—

(a) A list of the agencies to be served through the outreach activities;

(b) For each agency listed, a description that includes—

(i) The nature and scope of the agency's current services;

(ii) How those services will be affected through outreach activities;

(iii) The anticipated impact of outreach assistance; and

(iv) Evidence that the agency is interested in cooperating with the applicant's outreach activities;

(c) A description of the model program upon which their demonstration project is based, including evidence of the effectiveness of the model program with children, parents, or other recipients of the model program's services;

(d) An assurance that services provided to handicapped children under the applicant's demonstration project will be continued by the applicant and supported by funds other than funds made available under this part;

(e) A statement of—

(i) The amount and sources of funding for continued project support (cash and in-kind);

(ii) The number of children to be involved;

(iii) The number of personnel to be involved; and

(iv) The location for the delivery of services;

(f) Evidence of the need and demand for the proposed outreach activities;

(g) Evidence of the applicant's experience in working with other agencies in activities related to early education of handicapped children; and

(h) A description and samples of any early educational materials to be used in the proposed project.

(20 U.S.C. 1423(a))

(Information collection requirements have been approved under OMB control No. 1820-0028)

§§ 309.22-309.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant for a Demonstration or Outreach Project?

§ 309.30 How does the Secretary select priorities for demonstration or outreach projects?

(a) The Secretary may select annually one or more priorities or combinations of priorities from among those listed in §§ 309.31 and 309.32. The Secretary advises the public of these priorities through an application notice published in the Federal Register.

(b) If an application contains activities which address both a priority and a nonpriority area, the Secretary considers for support only those activities that address the priority.

(20 U.S.C. 1423(a))

§ 309.31 What are the priorities for demonstration projects?

In selecting demonstration projects, the Secretary may give priority to applications for innovative, experimental projects that—

(a) Serve children with specific handicapping conditions for whom the Secretary determines that demonstration models are lacking;

(b) Provide services in the least restrictive environment which facilitate entry into the regular school system;

(c) Provides services in underserved, rural, or urban areas, especially projects that serve ethnic and linguistic minority group handicapped children and migrant handicapped children;

(d) Serve newborns, infants, and other children under three years of age;

(e) Serve economically disadvantaged handicapped children;

(f) Develop models for the delivery of comprehensive services that may be incorporated into an Early Childhood State Plan under Subpart F of this part;

(g) Utilize technological devices and systems for educating handicapped children; or

(h) Ensure the use of validated procedures for assessment of handicapped children and evaluation of early childhood programs.

(20 U.S.C. 1423(a))

§ 309.32 What are the priorities for outreach projects?

In selecting outreach projects, the Secretary may give priority to applications for projects that—

(a) Assist other agencies and organizations in the development and implementation of comprehensive delivery systems for handicapped children that may be incorporated into

Early Childhood State Plans under Subpart F of this part;

(b) Provide quality training and other assistance and general support services to regions, States, or geographical areas where handicapped children from birth through five years of age are unserved or underserved, especially projects that serve ethnic and linguistic minority group handicapped children; economically disadvantaged, and migrant handicapped children;

(c) Stimulate the provision of services and provide training in rural areas; or

(d) Stimulate the provision of services and provide training based upon recent research findings and information from the fields of special education, child development, pediatrics, and other areas appropriate to early childhood education.

(20 U.S.C. 1423(a))

§ 309.33 What are the selection criteria for demonstration and outreach projects?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards for demonstration and outreach projects. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D The elderly.

(b) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (15 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590 *Evaluation by the grantee*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1423(a))

§ 309.34 Are awards for demonstration and outreach projects geographically dispersed?

As much as is feasible, the Secretary, in addition to using the selection criteria in § 309.33, geographically disperses awards for demonstration and outreach projects throughout the Nation in urban as well as rural areas.

(20 U.S.C. 1423(a)(3))

§§ 309.35–309.39 [Reserved]

Subpart E—What Conditions Must Be Met by Demonstration or Outreach Grantees?

§ 309.40 What conditions must be met by demonstration or outreach grantees?

(a) Each grantee conducting a demonstration or outreach project must—

(1) Ensure that the activities and services provided by the project facilitate the early intellectual, emotional, physical, mental, social, and language development of handicapped children;

(2) Coordinate with similar programs in the schools operated or supported by State or local educational agencies of the community or communities to be served;

(3) Acquaint the community to be served by the project with the problems and potentialities of handicapped children;

(4) Ensure the use of validated procedures for assessment and evaluation of early childhood programs; and

(5) Actively involve parents of handicapped children in the project.

(b) No grantee may collect fees or other charges from the parents of any child participating in activities assisted under this part.

(20 U.S.C. 1423(a))

§§ 309.41–309.49 [Reserved]

Subpart F—What Kinds of Early Childhood State Plan Projects May Be Supported Under This Part?

§ 309.50 General.

(a) The Secretary makes a grant to each State, through the State educational agency or other responsible State agency, to assist the State in planning, developing, or implementing an Early Childhood State Plan for a comprehensive delivery system of special education and related services to handicapped children from birth through five years of age. The Secretary makes one of the grants described in §§ 309.51–309.53 to any State which

submits an application that meets the requirements of this subpart.

(b) A comprehensive service delivery system includes—

(1) A statewide system for identifying and locating, as early as possible, children who are handicapped or at risk of being handicapped. This includes the prenatal period if there is evidence that a child will be born handicapped;

(2) Comprehensive and continuing assessment and diagnosis of children who are identified as handicapped or at risk of being handicapped;

(3) Special education and related services appropriate to each handicapped child's developmental level and handicapping condition;

(4) A continuum of alternative placements to meet the individual needs of handicapped children for special education and related services;

(5) Involvement of parents in the planning, development, and implementation of the education and services provided to their handicapped children;

(6) A personnel development program to ensure appropriately trained instructional and supportive staff;

(7) Coordination of the activities of educational, health, social services, and other agencies to ensure effective use of available services and to relate service delivery programs to State and local planning;

(8) Information concerning the needs of handicapped children and the availability of services; and

(9) Ongoing evaluation of the effectiveness of the services and programs provided to handicapped children and others involved in their education and care.

(c) A joint application may be submitted by two or more agencies if they have shared or concurrent responsibility for serving handicapped children from birth through five years of age (*see* 34 CFR 75.127–75.129).

(d) As used in this subpart, a "responsible State agency" is the State educational agency or other organizational unit that has direct or delegated authority under State law or policy to provide special education and related services to handicapped children from birth through five years of age.

(20 U.S.C. 1423(b))

§ 309.51 What is an Early Childhood State Planning Grant?

(a) *Purpose.* An Early Childhood State Planning Grant is awarded to assess the educational and related services needed by handicapped children within the State from birth through five years of age and to establish a procedure and design for the development of an Early Childhood State Plan.

(b) *Application contents.* An applicant for a State Planning Grant shall include in its application—

(1) A copy of the needs assessment on which the Early Childhood State Plan will be based, or a description of the needs assessment to be undertaken as a basis for the plan; and

(2) A statement of the project's goals and objectives, the preliminary plans and procedures for designing a plan, and the activities to be implemented, in order to—

(i) Identify and develop interagency collaborative efforts at State and local levels;

(ii) Develop and maintain systems to enhance management and administration for the provision of services to handicapped children from birth through five years;

(iii) Establish and maintain standards, including regulations, legislation, and policy, for making available services to handicapped children from birth through five years;

(iv) Assist in the planning, development, and implementation of training for families, caretakers, and professionals at the State and local levels;

(v) Identify possible financial resources for the identification, evaluation, placement, and provision of services for handicapped children from birth through five years;

(vi) Provide statewide awareness of services for handicapped children; and

(vii) Establish evaluation criteria for assessing the effectiveness of the planning activities.

(20 U.S.C. 1423(b)(2)(A))

§ 309.52 What is an Early Childhood State Development Grant?

(a) *Purpose.* An Early Childhood State Development Grant is awarded to a State which has successfully completed planning activities to—

(1) Develop a comprehensive State plan; and

(2) Gain approval of the plan from the State Board of Education, the Commissioner of Education, or other designated official of the appropriate State agency.

(b) *Application contents.* An applicant for the State Development Grant shall include in its application—

(1) A description of the completed planning activities (such as those described in § 309.51) which demonstrates the applicant's readiness for a development grant;

(2) A summary of existing State rules, policies, and procedures for the education of handicapped children from birth through five years of age;

(3) A statement of the overall goals of the project. These goals shall include measurable objectives for service expansion or program improvement in specified program areas which the State plans to achieve during a specified period of time;

(4) Provisions for parent participation in activities to be carried out by the project; and

(5) Current demographic information on handicapped children from birth through five years of age.

(20 U.S.C. 1423(b)(2)(B))

§ 309.53 What is an Early Childhood State Implementation Grant?

(a) *Purpose.* An Early Childhood State Implementation Grant is awarded for the purpose of implementing and evaluating the Early Childhood State Plan approved by the State Board of Education, the Commissioner of Education, or other designated official of the appropriate State agency.

(b) *Application contents.* An applicant for a State Implementation Grant must include in its application—

(1) A copy of the approved Early Childhood State Plan;

(2) Current demographic information on handicapped children from birth through five years of age;

(3) A statement of the goals and objectives for implementing the activities to be supported under the project;

(4) A summary of the existing State rules, policies, and procedures for the education of handicapped children from birth through five years of age, including a summary of any significant changes during the development of the Early Childhood State Plan; and

(5) Provisions for parent participation in activities to be carried out under the project.

(20 U.S.C. 1423(b)(2)(C))

§ 309.54 What are the other Early Childhood State Plan application requirements?

(a) In addition to the information required in §§ 309.51–309.53, each applicant for a grant under this subpart must include in its application assurances and evidence that—

(1) The State agency receiving the grant will coordinate with other appropriate State agencies (including the State educational agency if the grantee is some other State agency) in carrying out the grant;

(2) If a State agency other than the State educational agency applies for and receives a grant, it will coordinate with

and involve the State educational agency in the submission of the application and in carrying out the grant;

(3) The Early Childhood State Plan will address the special education and related services needs of all handicapped children from birth through five years of age, with special emphasis on those children who have not been identified or who are not receiving appropriate services; and

(4) The Early Childhood State plan will be closely coordinated with identification, location, and evaluation activities under section 612(2)(C) of the Education of the Handicapped Act and with preschool incentive grant activities under section 619 of the Act and 34 CFR Part 301.

(b) The State agency receiving the grant shall cooperate with the Secretary in meeting the Secretary's responsibility under section 623(b)(4)(C) of the Act in providing a description of the status of special education and related services to handicapped children from birth through five years of age in the State for inclusion in the annual report under section 618 of the Act.

(20 U.S.C. 1423(b)(3); 1423(b)(4)(C))

§§ 309.55-309.59 [Reserved]

[FR Doc. 84-18346 Filed 7-10-84; 8:45 am]
BILLING CODE 4000-01-M

Federal Register

Wednesday
July 11, 1984

Part IV

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 307

Services for Deaf-Blind Children and Youth; Final Regulations

DEPARTMENT OF EDUCATION
Office of Special Education and Rehabilitative Services
34 CFR Part 307
Services for Deaf-Blind Children and Youth

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations under Section 622 of Part C of the Education of the Handicapped Act, as amended by Pub. L. 98-199. The program authorized by section 622 provides support to public or nonprofit private agencies, institutions, or organizations for projects to enhance services to deaf-blind children and youth. The regulations, among other things, identify the types of activities which are eligible for support, describe weighted selection criteria, and identify priorities for funding.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments, with the exception of §§ 307.14 and 307.40. Sections 307.14 and 307.40 will become effective following the Education Department's submission and OMB approval of reporting requirements contained in those sections under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Charles W. Freeman, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 4605), Washington, D.C. 20202. Telephone: (202) 732-1165.

SUPPLEMENTARY INFORMATION: The Services for Deaf-Blind Children and Youth program was established under Pub. L. 90-247 on January 2, 1968 and is currently authorized by section 622 of Part C of the Education of the Handicapped Act (20 U.S.C. 1422).

Proposed regulations were published on April 30, 1984 (49 FR 18418). The comments received in response to this notice and the Secretary's responses to those comments are summarized below:

Comment. One commenter noted that the proposed regulations do not delineate the full range of funding options (that is, grants, contracts, or cooperative agreements) available to the Secretary.

Responses. No change has been made. The Secretary will use the full range of funding options available under the statute. This part applies to the award of grants and cooperative agreements. Contract awards under Section 622 of the Act are governed by 48 CFR (Federal Acquisition Regulations). Thus, the Secretary has not included this information in the text of the regulations. The Secretary will choose the appropriate award instruments under the statute and the Federal Grants and Cooperative Agreements Act (31 U.S.C. 631 *et seq.*).

Comment. One commenter suggested that the word "assure" be substituted for the word "enhance" in § 307.1 to imply that services to deaf-blind children will in fact be delivered.

Response. A change has been made. Section 307.11(a)(2), however, rather than § 307.1 has been modified to give the implied meaning suggested, and now reads: "Technical assistance to State educational agencies to assure that they may more effectively. * * *"

Comment. One commenter regarded the definition of deaf-blind children referred to under § 307.4(b) and crossreferenced to the definition in § 300.5(b)(2) as "overly vague" and needing further clarification.

Response. No change has been made. The current definition of deaf-blind children provided in § 300.5(b)(2) was adopted to ensure consistency among programs under the Education of the Handicapped Act. The Secretary believes that the definition provided at § 300.5(b)(2) is appropriate to carry out the purposes of the program.

Comment. One commenter proposed that §§ 307.10, 307.11, 307.12, 307.15, 307.31, and 307.40 be amended to include the word "infants" in each instance where the words "deaf-blind children and youth" are used.

Response. No change has been made. The Secretary interprets the term "handicapped children" as defined at § 300.5 to include infants beginning with birth.

Comment. Two commenters asked how the funding priorities as provided under § 307.10 were established and if they are responsive to State needs.

Response. No change has been made. Priorities under the Services for Deaf-Blind Children and Youth program reflect priorities established under the legislation. Establishing priorities for the use of program funds in order to provide the services described under § 307.10, is consistent with Congressional intent as expressed in the legislative history for Pub. L. 98-199, (See H.R. Rep. No. 98-410, 98th Cong., 1st sess. (1983), pp. 25-26). The intent of the changes to section 622 was to shift emphasis away from the provision of direct services to deaf-blind children and to promote the provision of technical assistance to develop State educational agency capacity to serve deaf-blind children and youth. The priorities for demonstration projects serving deaf-blind children and youth included under the Innovative Programs for Severely Handicapped Children program were developed in response to recommendations received from regional deaf-blind centers, from service providers throughout the Nation, suggestions from grantees who conducted demonstration projects in fiscal years 1982 and 1983, and recommendations from three national studies of deaf-blind program needs.

Comment. One commenter pointed out that § 307.11 instructs the grantee to observe certain priorities (direct services or technical assistance) while Pub. L. 98-199 directs the Secretary to make funding decisions related to appropriate conditions for direct service and those appropriate for technical assistance.

Response. No change has been made. Applicants are required to provide a comprehensive application which defines each component of services to be provided. The degree to which an application adequately meets all requirements will be evaluated by the Secretary using the criteria provided under § 307.11. As part of the application review process, the Secretary will have the opportunity to negotiate with the applicants to assure that the funding decisions required under this section are specifically met.

Comment. One commenter suggested that more specificity be provided in § 307.11(a)(1) on the ages of deaf-blind children who may served under this program.

Response. No change has been made. Section 307.11(a)(1) is designed to accommodate the variations among States in the age ranges of handicapped children to whom States are obligated to provide a free appropriate public education. As used in this part, the terms "deaf-blind" and "handicapped children" are defined in 34 CFR 300.5. The criteria for determining which children a State must serve are set forth in 34 CFR 300.300.

Comment. Several commenters expressed concern that the proposed rules will result in the realignment of the current six deaf-blind regions which will be detrimental to the program and cause a problem in obtaining closure on project activities supported under grants awarded in fiscal year 1983.

Response. No change has been made. The Secretary believes that flexibility in the geographical composition of the regions will be cost-effective and will not have a detrimental effect on the

services to be provided to deaf-blind children and those agencies and persons involved in their education and care. The Department of Education awarded fiscal year 1983 grants under the Centers and Services for Deaf-Blind Children program for a period of one year. Under the terms of these awards, all project activities are to be completed by the end of the fiscal year (September 30, 1984).

Comment. One commenter asked if funds under § 307.11 can be used to support services for deaf-blind children and youth covered by Part B of the Education of the Handicapped Act, and what services can be provided.

Response. No change has been made. Section 307.11(a)(3) authorizes the expenditure of funds for services to deaf-blind children and youth covered by Part B of the Education of the Handicapped Act after first providing services to deaf-blind children not covered under Part B or some other authority, and second, providing technical assistance to State educational agencies in accordance with the stated priorities under § 307.11(b). The services which can be provided to deaf-blind children required to be served under Part B of the Act or some other authority are described under § 307.11(a)(1).

Comment. Three commenters were concerned about the omission of authorization to establish and operate regional centers for deaf-blind children.

Response. No change has been made. The statute no longer specifies regional centers as the chief administrative structure for service delivery to deaf-blind children. Accordingly, § 307.11 permits the Secretary to make more than one award within any geographic region. Since a State may choose to receive services independently from other States in its region, it would have been inappropriate to set aside funds to support service centers within each region. The States have the option to pool funds in order to provide services through a regional center if they choose to do so.

Comment. Several commenters questioned the possible duplication of technical assistance provided under §§ 307.11–307.15.

Response. No change has been made. The above referenced sections do not contain activities that are duplicative. This design for the overall program resulted from statutory changes which reflect the Congressional intent that States, with the provision of effective technical assistance, meet their responsibilities under Part B of the Act for serving all handicapped children and youth, including those who are deaf-blind.

Technical assistance provided by grantees, under § 307.11, is to be made available to State educational agencies so that they may more effectively (i) provide special education and related services to deaf-blind children and youth to whom they are obligated to make available a free appropriate public education under Part B of the EHA or some other authority; (ii) provide preservice training to personnel preparing to serve, or serving deaf-blind children or youth; (iii) replicate successful, innovative educational services to deaf-blind children and youth; (iv) facilitate parental involvement in providing educational or related services to deaf-blind children and youth; and (v) provide consultative and counseling services to personnel working with deaf-blind children and youth.

Section 307.12 provides for technical assistance only to grantees under § 307.11 to (i) enhance their provision of direct services to deaf-blind children and youth for whom States are not obligated to make available a free appropriate public education; (ii) apply effective and relevant educational research findings; and (iii) replicate effective methodology and curricula in educating deaf-blind children and youth.

Section 307.13, a new authority under Section 622(a)(1)(B) of the Act, provides technical assistance to State educational agencies and other agencies to facilitate the transition of deaf-blind youth, upon attaining the age of 22, from education to employment and other services. This activity is not duplicative since, under these regulations, there is no single entity providing technical assistance in comprehensive educational/vocational rehabilitative services to deaf-blind youth for individuals age 22 and older.

Section 307.14 provides financial assistance to a grantee to analyze the data reported annually by grantees under this part, establish an unduplicated count of the number of those deaf-blind children and youth served, and develop an accurate count of deaf-blind children in each State. This is a new statutory requirement for grantees to report data which the Secretary believes will substantially increase the accuracy of information on deaf-blind children and youth.

Section 307.15 allows the Secretary to disseminate materials and information that will lead to an efficient system of disseminating educational expertise in the distribution of services to deaf-blind children and youth throughout the country. The Secretary believes that this requirement will increase the effective dissemination of materials and information to the field.

Comment. One commenter questioned issuing only one award for technical assistance under § 307.13 for transition programs for deaf-blind youth attaining the age of 22 years.

Response. No change has been made. The selection criteria provided in the regulations enable the Secretary to select grantees on the basis of the merit of their applications. The Secretary believes one applicant is capable of providing the highly specialized technical assistance required under § 307.13. The successful applicant will be in a position to draw upon a wide base of resources to assist it in providing the required services. The applicant will be required to demonstrate an ability to coordinate technical assistance services among special education, vocational rehabilitation, and other organizations and agencies involved in the transition process.

Comment. One commenter suggested omitting the phrase "upon attaining the age of 22" from § 307.13 (a) and (d) because it appeared to exclude younger deaf-blind children from transitional services.

Response. No change has been made. The regulations do not limit transitional services to deaf-blind youth who have attained the age of 22 years. While transitional services provided under § 307.13 are limited by statute to deaf-blind youth upon attaining the age of 22 years, transitional services may be provided to all deaf-blind children and youth under § 307.11(a)(1).

Comment. One commenter suggested that § 307.13 (a) and (e) be revised to read, "transition from education to vocational, employment, independent living, and other post-educational services."

Response. A change has been made. In § 307.13, paragraphs (a) and (e) have been changed to add the phrase "such as vocational, independent living, and other postsecondary services." This change has also been made in § 307.20(b). The Secretary believes that these changes will provide additional guidance to grantees concerning the types of services that may be needed to assist deaf-blind youth in the transitional process.

Comment. One commenter suggested that § 307.13(b)(2) be expanded to provide for the training of professionals and parents as well as paraprofessionals.

Response. A change has been made. Section § 307.13(b)(2) has been revised to read "training or inservice training to paraprofessionals or professionals serving, or preparing to serve, those

youth, as well as training to their parents." The Secretary believes that this change is consistent with section 622(a)(2)(D) of the Act, which authorizes activities designed to facilitate parental involvement in the education of their deaf-blind children and youth.

Comment. One commenter suggested that "other services" cited in § 307.13(c)(2) be expanded to include rehabilitative, semi-supervised, or independent living programs to make it consistent with § 307.13(b)(3).

Response. A change has been made. Section 307.13(c)(2) has been modified to read: "* * * other services, including recreational and leisure time resources, rehabilitative, semi-supervised, or independent living programs * * *"

Comment. One commenter suggested that § 307.13(b)(3) be omitted, but that the language contained therein be incorporated into the definition of transitional services as § 307.13(c)(4).

Response. No change has been made. Section 307.13(b)(3) is an activity that is required by statute of grantees under § 307.13 rather than an expansion of the definition of transitional services.

Comment. One commenter suggested the addition of agencies providing a range of supervised and unsupervised living options to aid coordination among the various State and local agencies referenced in § 307.13(d).

Response. A change has been made. Section 307.13(d) has been modified by adding the phrase, "and agencies providing a range of supervised and unsupervised living options," to ensure coordination with these agencies.

Comment. One commenter proposed the provision of parent information through hot lines, newsletters, and a national conference to strengthen the award under §§ 307.14 and 307.15.

Response. No change has been made. The regulations discuss the outcomes expected from the grantee without prescribing the methods to achieve the desired results.

Comment. One commenter questioned the lack of a requirement for single or multi-State grantees to report data to the grantee receiving an award under § 307.14.

Response. No change has been made. Pub. L. 98-199 requires grantees under §§ 307.11 and 307.12 to report this data annually to the Secretary. The Secretary will relay this information to the grantee receiving an award under § 307.14.

Comment. One commenter questioned what impact the change from regional deaf-blind centers to single State and multi-State programs would have upon obtaining reliable data on deaf-blind children and youth as required under § 307.14 and who would be responsible for obtaining specialized services for them.

Response. No change has been made. There will be no adverse impact upon obtaining reliable data. Section 307.40 specifies these annual reporting requirements for grantees under §§ 307.11 and 307.12. Section 307.14 provides for the analysis of data reported annually by grantees under this part and under other sections of the Education of the Handicapped Act and the provision of an unduplicated count of the number of deaf-blind children and youth directly served under §§ 307.11 and 307.12. This new statutory requirement is expected to improve the reliability of information included in the national deaf-blind registry. Grantees are required to provide specialized services for deaf-blind children under § 307.11(a), if those children are not being served or not required to be served by public agencies.

Comment. One commenter recommended that the responsibility of the grantee under § 307.13 be clarified by adding the phrase "accounting for possible sources of discrepancy in the data."

Response. A change has been made. Section 307.14(b)(2) has been modified to read, "The grantee must then revise the count to reflect the most accurate data, accounting for possible sources of discrepancy in the data." The Secretary believes that this addition will assure an accurate and unduplicated count.

Comment. One commenter suggested adding a subsection to § 307.15 which would read, "(e) Financial planning and other concerns affecting deaf-blind children and youth."

Response. A change has been made. The recommended language has been included. Deaf-blind children and youth and their parents must consider matters concerning insurance, trusts, and other financial issues pertaining to their education and care. The Secretary believes that dissemination of information on these matters is an appropriate activity.

Comment. One commenter suggested adding the phrase "most recently published and available State plan to develop * * *" to § 307.20(a)(2).

Response. No change has been made. The Secretary believes the intent of this change is included in the present wording, "information on the State's progress in developing a comprehensive plan * * *" in § 307.20(a)(2).

Comment. One commenter suggested adding parents of handicapped infants, children, and youth as a fifth category of traditionally underrepresented groups in § 307.31(a)(2)(v).

Response. No change has been made. Parents are not a traditionally underrepresented group. The provision of services to parents has been considered under §§ 307.11(a)(1)(iii), 307.11(a)(2) (iv) and (v), and 307.13(b)(2).

Comment. One commenter expressed a concern regarding the lack of a limit on "overhead" costs grantees may charge for administering funds awarded under Services for Deaf-Blind Children and Youth.

Response. No change has been made. The allowability of costs of administering a grant or cooperative agreement is determined under the Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74 and 75.

Comment. One commenter suggested the addition of two provisions to § 307.31(c)(2): "(iii) Costs are reasonable in relation to the numbers of deaf-blind infants, children, and youth served; and (iv) the budget for the project includes consideration of the contributions of resources and personnel to be made by the applicant."

Response. No change has been made. The Secretary believes the criteria concerning budget and cost effectiveness under § 307.31(c) are adequate and will allow the factors suggested by the commenter to be taken into account without additional elaboration.

Comment. One commenter recommended that the State educational agency be represented on the advisory committee to be established under § 307.41.

Response. A change has been made. Section 307.41 has been revised to make it clear that grantees must ensure State educational agency participation on any advisory committee established for projects supported under this part. The Secretary believes that this change will increase the effectiveness of project activities and services.

Comment. One commenter suggested expanding the composition of the advisory committee under § 307.41 to include deaf-blind adults, and a legal advocate representing the interest of deaf-blind infants, children, and youth to be served under the project.

Response. No change has been made. The Secretary believes the phrase, "a limited number of professionals with training and experience in serving deaf-blind children and youth, and other individuals representing related agencies and organizations," is comprehensive and flexible enough to permit the inclusion of such persons as are appropriate to a given project.

Comment. One commenter expressed the view that the regulations in their present form seriously threaten the achievement of the Federal mandate for provision of services to deaf-blind children and youth.

Response. No change has been made. The mandate for States to provide educational services to handicapped children is clearly delineated in Part B of the Act. By contrast, section 622 of Part C of the Act does not require the Federal Government to provide services to deaf-blind children, but rather authorizes financial assistance to support services to deaf-blind children and youth and technical assistance to States providing those services.

Comment. One commenter questioned the use of program funds to award demonstration projects, thus reducing funds available for direct services and technical assistance.

Response: No change has been made. Section 622 of the Act emphasizes the redirection of program funds from direct services to the provision of technical assistance to State educational agencies, building their capacity to serve deaf-blind children and youth. Research and demonstration projects have been funded to develop and implement improved practices and techniques in educating deaf-blind children and youth. While the dissemination of the results of these projects and other information has been limited, the regulations now provide for the wide dissemination of such materials and information.

A summary of these regulations follows:

(a) Subpart A—General

Section 307.1 describes the program.

Section 307.2 provides that public or nonprofit private agencies, institutions, and organizations are eligible for an award under this program.

Section 307.3 lists the regulations that apply to the Services for Deaf-Blind Children and Youth program, including Parts 74, 75, 77 78, and 79 of EDGAR.

Section 307.4 provides definitions that apply to the program. It incorporates certain EDGAR definitions as well as the definitions of "counseling services," "deaf-blind," "evaluation," "free appropriate public education," "handicapped children," "parent," "parent counseling and training," "public agency," "related services," and "special education" used in the Assistance to States for Education of Handicapped Children program (34 CFR Part 300). These definitions in 34 CFR Part 300 are adopted to ensure consistency among programs under the Education of the Handicapped Act.

(b) Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Section 307.10 describes the activities, including services for deaf-blind children and youth, technical assistance, collection of data, and dissemination activities, that are supported under this program.

Section 307.11 describes the types of services to deaf-blind children and youth, and certain technical assistance to State educational agencies, supported under this part. The several provisions of this section are needed to advise applicants of specific program activities which may be provided under this section and of various requirements applicable to those activities. The listed activities are those which the Secretary believes are particularly appropriate to meet the needs of deaf-blind children and youth.

Section 307.11(b) requires that funds made available under this section be used first to provide services to deaf-blind children to whom States are not obligated to make available a free appropriate public education and to whom the State is not providing services under some other authority. This paragraph further provides that the second priority for the use of funds is the provision of technical assistance to State educational agencies. Finally, this paragraph allows grantees to use any remaining funds to provide services to deaf-blind children and youth not covered by the first priority. The Secretary believes that these priorities will ensure effective use of program funds. States participating in the Assistance to States for Education of Handicapped Children program (under Part B of the Act) are required to provide some of the same services authorized by the Services for Deaf-Blind Children and Youth program to handicapped children, including those who are deaf-blind. The priorities are designed to: (a) Ensure the provision of services to deaf-blind children and youth while phasing down Federal support for provision of direct services under this program, and (b) provide technical assistance to States to build their capacity to expand services to deaf-blind children formerly served through other means.

The project evaluation requirements set forth in §§ 307.11(c) and 307.13(e) are necessary to carry out program evaluations consistent with section 627 of Part C of the Act.

Section 307.11(d) and (e) establishes geographical regions for the conduct of projects, and permits the Secretary to make more than one award in any one region. These provisions ensure that all States will receive services in a cost-efficient manner, while providing the flexibility to any State or combination of States to elect to receive services under this section independently from other States in the region.

Section 307.12 identifies the types of technical assistance to be provided to grantees under § 307.11. The provisions of this section are designed to ensure that productive technical assistance is provided to those grantees.

Section 307.13 specifies the types of technical assistance for transitional services that may be supported under this part. The provisions of this section are designed to ensure that transitional services provided to deaf-blind youth facilitate their transition from education to employment and other services.

Section 307.14 describes the data analysis activities that may be supported under this part.

Section 307.15 describes the dissemination activities that may be supported under this part. Examples of matters on which information may be disseminated are included to provide guidance to prospective applicants.

(c) Subpart C—How Does One Apply for a Grant?

Section 307.20 describes the content of an application under this program. This section explains the relationship that must exist between a grantee and a State educational agency to which the grantee provides technical assistance. The requirements in this section are designed to ensure that the efforts of grantees to provide technical assistance to States will be effective and that the necessary coordination will take place to facilitate the transition of deaf-blind youth, 22 years of age and older, from education to employment and other services.

(d) Subpart D—How Does the Secretary Make a Grant?

Section 307.30 specifies priorities that are considered for support under this program. The Secretary has included this section to ensure that program needs can effectively be met as they change from year to year.

Section 307.31 describes the selection criteria to be used to make awards under this program. The Secretary has established weighted criteria that reflect the relative importance of project elements and which will ensure the selection of the most promising projects.

(e) Subpart E—What Conditions Must Be Met by a Grantee Under This Program?

Section 307.40 explains the information that must be reported by a grantee under this program. This section is taken directly from section 622(c)(1) of the Act and will assist the Secretary in meeting the annual reporting requirements under section 618 of the Act.

Section 307.41 describes the advisory committee that must be established by each grantee under this program. Advisory committees are needed to assist grantees in developing and implementing project activities that meet the needs of deaf-blind children and youth, their parents, and professionals eligible for services under this program.

Section 307.42 requires SEAs that receive awards under § 307.11 or § 307.13 to obtain technical assistance from outside sources if the SEA will not be providing technical assistance to other agencies or organizations. This section is designed to ensure that each State receives the technical assistance it needs to improve services to deaf-blind children and youth.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document provides early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

The information collection requirements in these regulations (§ 307.20) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned an OMB control number. The control number appears as a citation at the end of 34 CFR Part 307. Information collection requirements contained in these regulations at §§ 307.14 and 307.40 will become effective after the Education Department's submission and OMB approval.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations clarify existing regulations and implement recent statutory amendments. Specific changes to the regulations are described in this preamble under supplementary information. These changes will not have a significant economic impact on small entities participating in the program.

Assessment of Educational Impact

In the notice of proposed rulemaking published in the Federal Register on April 30, 1984, the Secretary requested comments on whether the proposed regulations would require information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 307

Education, Education of handicapped, Education—research, Grants program—education, Reporting and recordkeeping requirements, Teachers.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number 84.025; Services for Deaf-Blind Children and Youth)

Dated: July 6, 1984.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 307 of Title 34 of the Code of Federal Regulations as follows:

PART 307—SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

Subpart A—General

Sec.

307.1 What is the Services for Deaf-Blind Children and Youth program?
307.2 Who is eligible to apply for an award under the Services for Deaf-Blind Children and Youth program?
307.3 What regulations apply to the Services for Deaf-Blind Children and Youth program?
307.4 What definitions apply to the Services for Deaf-Blind Children and Youth program?
307.5–307.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under this Program?

307.10 What types of activities are considered for support under this part?
307.11 What types of services to deaf-blind children and youth and technical assistance are considered for support under this part?
307.12 What types of technical assistance to grantees under § 307.11 are considered for support under this part?
307.13 What types of technical assistance for transitional services are considered for support under this part?
307.14 What types of data analysis activities are considered for support under this part?
307.15 What types of dissemination activities are considered for support under this part?
307.16–307.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

307.20 What is the content of an application under this program?
307.21–307.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

307.30 What priorities are considered for support by the Secretary?
307.31 What are the selection criteria used to award a grant?
307.32–307.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee Under this Program?

307.40 What is the reporting responsibility of a grantee under this program?
307.41 What advisory committees are to be established under this program?
307.42 What responsibility does an SEA grantee have to obtain technical assistance?
307.43–307.49 [Reserved]

Authority: Sec. 622 of the Education of the Handicapped Act (20 U.S.C 1422), unless otherwise noted.

Subpart A—General

§ 307.1 What is the Services for Deaf-Blind Children and Youth program?

This program supports projects that enhance services to deaf-blind children and youth, particularly by providing

technical assistance to State educational agencies and others who are involved in the education of deaf-blind children and youth.

(20 U.S.C. 1422)

§ 307.2 Who is eligible to apply for an award under the Services for Deaf-Blind Children and Youth program?

Public or nonprofit private agencies, institutions, or organizations may apply for an award under this part.

(20 U.S.C. 1422)

§ 307.3 What regulations apply to the Services for Deaf-Blind Children and Youth program?

The following regulations apply to this program:

(a) The regulations in this Part 307

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(20 U.S.C. 1422; 20 U.S.C. 3474(a))

§ 307.4 Definitions apply to the Services for Deaf-Blind Children and Youth program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
EDGAR
Grant
Grantee
Nonprofit
Private
Project
Public
Secretary
State

(20 U.S.C. 3474(a))

(b) *Definitions in 34 CFR Part 300.* The following terms used in this part are defined in 34 CFR Part 300:

Counseling services (§ 300.13(b)(2))
Deaf-blind (§ 300.5(b)(2))
Evaluation (§ 300.500(c))
Free appropriate public education (§ 300.4)
Handicapped children (§ 300.5)
Parent (§ 300.10)
Parent counseling and training (§ 300.13(b)(6))
Public agency (§ 300.11)
Related services (§ 300.13)
Special education (§ 300.14)

(20 U.S.C. 1401 (1), (16), (17), (18))

§§ 307.5-307.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 307.10 What types of activities are considered for support under this part?

The Secretary may provide financial assistance under this part to support the following activities:

(a) Services to deaf-blind children and youth, and technical assistance to SEAs, as described in § 307.11;

(b) Technical assistance to grantees under § 307.11, as described in § 307.12;

(c) Technical assistance for transitional services, as described in § 307.13;

(d) Data analysis activities, as described in § 307.14; and

(e) Dissemination activities, as described in § 307.15.

(20 U.S.C. 1422)

§ 307.11 What types or services to deaf-blind children and youth and technical assistance are considered for support under this part?

(a) The Secretary may provide financial assistance under this part to support the following projects:

(1) Special education and related services, as well as vocational and transitional services, to deaf-blind children and youth to whom States are not obligated to make available a free appropriate public education under Part B of the Education of the Handicapped Act and to whom the State is not providing those services under some other authority. These services may include the following:

(i) Diagnosis and educational evaluation of children and youth at risk of being identified as deaf-blind.

(ii) Programs of adjustment, education, and orientation for deaf-blind children and youth.

(iii) Consultative, counseling, and training services for families of those deaf-blind children and youth being served under this part.

(2) Technical assistance to State educational agencies to assure that they may more effectively—

(i) Provide special education and related services, as well as vocational and transitional services, to those deaf-blind children and youth to whom they are obligated to make available a free appropriate public education under Part B of the Education of the Handicapped Act or some other authority;

(ii) Provide preservice or inservice training to paraprofessionals, professionals or related services personnel preparing to serve, or serving, deaf-blind children or youth;

(iii) Replicate successful, innovative approaches to providing educational or related services to deaf-blind children and youth;

(iv) Facilitate parental involvement in the education of their deaf-blind children and youth; and

(v) Provide consultative and counseling services for professionals, paraprofessionals, parents, and others who play a direct role in the lives of deaf-blind children and youth, to enable them to understand the special problems of those children and youth, and to assist in the provision of appropriate services to those children and youth.

(3) The services described in paragraph (a)(1) of this section to deaf-blind children and youth to whom a State is obligated to make available a free appropriate public education under Part B of the Education of the Handicapped Act and to whom the State is providing those services under some other authority.

(b)(1) Each grantee under this section shall—

(i) Give first priority in the use of project funds to the provision of services described in paragraph (a)(1) of this section; and

(ii) Give second priority in the use of project funds to the provision of technical assistance to State educational agencies, as described in paragraph (a)(2) of this section.

(2) Any remaining funds may be used by the grantee, upon request of the State educational agency, for the services described in paragraph (a)(3) of this section.

(c) Each grantee under this section shall—

(1) Develop and implement procedures to evaluate the effectiveness of services to deaf-blind children and youth which it provides under paragraph (a)(1) of this section; and

(2) Provide technical assistance to the State educational agencies served under paragraph (a)(2) of this section in the development and implementation of procedures for evaluating the effectiveness of services provided by those agencies to deaf-blind children and youth.

(d) For the purpose of making awards under § 307.11, the Secretary establishes the following geographic regions:

Region	States included in region
1	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, and the Virgin Islands.
2	Delaware, District of Columbia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.
3	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

Region	States included in region
4	Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin.
5	Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
6	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, the Northern Mariana Islands, Oregon, the Trust Territory of the Pacific Islands, and Washington.

(e) The Secretary may make more than one award within any region described in paragraph (d) of this section.

(20 U.S.C. 1422)

§ 307.12 What types of technical assistance to grantees under § 307.11 are considered for support under this part?

(a) The Secretary may provide financial assistance under this part for projects that establish and support programs for the provision of technical assistance, on a regional basis, to grantees under § 307.11 with respect to the provision of direct services to deaf-blind children and youth under § 307.11(a)(1).

(b) Each grantee under this section shall assist grantees under § 307.11 to—

(1) Enhance personnel training programs by, for example, making available the combined expertise of highly trained and experienced professionals from the fields of education for deaf-blind and severely handicapped children and youth;

(2) Apply effective and relevant educational research findings; and

(3) Replicate effective methodology and curricula in educating deaf-blind children and youth.

(20 U.S.C. 1422)

§ 307.13 What types of technical assistance for transitional services are considered for support under this part?

(a) The Secretary may provide financial assistance under this part to provide technical assistance to State educational agencies in making available to deaf-blind youth, upon attaining the age of 22, programs and services to facilitate their transition from education to employment and other services such as vocational, independent living, and other postsecondary services.

(b) Each grantee under this section must provide each of the following services:

(1) Technical assistance to agencies institutions, and organizations (in addition to State educational agencies) providing, or proposing to provide, transitional services to deaf-blind youth who have attained the age of 22.

(2) Training or inservice training to paraprofessionals or professionals serving, or preparing to serve, those youth, as well as training to their parents.

(3) Assistance in the development or replication of successful innovative approaches to providing rehabilitative, semi-supervised, or independent living programs.

(c) As used in this section, the term "transitional services" includes—

(1) Counseling, training, and other services to assist deaf-blind youth to adjust to work environments and employment options;

(2) Information concerning relevant public services available to assist deaf-blind youth in transition from educational to other services, including, recreational and leisure time resources, rehabilitative, semi-supervised, or independent living programs, and the procedures for assessing those services; and

(3) Assistance to relevant agencies in the development of individualized work-related plans for deaf-blind youth.

(d) Each grantee under this section shall develop and implement strategies to promote coordination between State and local agencies providing services to deaf-blind youth 22 years of age and older, including agencies providing rehabilitative, vocational, health, career planning and development, and social services, and agencies providing a range of supervised and unsupervised living options.

(e) Each grantee under this section shall assess the effectiveness of the project in facilitating the transition of deaf-blind children and youth from education to employment and other services such as vocational, independent living, and other postsecondary services.

(20 U.S.C. 1422)

§ 307.14 What types of data analysis activities are considered for support under this part?

(a) The Secretary may provide financial assistance under this part to support projects that—

(1) Analyze the data reported annually by grantees under this part and under other provisions of the Education of the Handicapped Act; and

(2) Provide an unduplicated count of the number of deaf-blind children and youth directly served under § 307.11(a)(1) and by State educational agencies receiving technical assistance under §§ 307.11(a)(2) and 307.12.

(b)(1) The grantee must compare the count with the number of deaf-blind children and youth reported by the States under Part B of the Education of the Handicapped Act; the Deaf-Blind Registry; and subpart 2 of Part B, Title I of the Elementary and Secondary Education Act of 1965 (as modified by Chapter 1 of the Education Consolidation and Improvement Act of 1981).

(2) The grantee must then revise the count to reflect the most accurate data, accounting for possible sources of discrepancy in the data.

(20 U.S.C. 1422(c)(2))

§ 307.15 What types of dissemination activities are considered for support under this part?

The Secretary may provide financial assistance under this part to support projects that disseminate materials and information to parents, professionals, and other interested parties concerning effective practices in working with deaf-blind children and youth, including information on—

(a) Special education, related, vocational, and transitional services and resources;

(b) Options for training and experience in daily living skills programs;

(c) The nature of various conditions of deaf-blindness and their educational and employment implications;

(d) Legal issues affecting deaf-blind children and youth; and

(e) Financial planning and other concerns affecting deaf-blind children and youth.

(20 U.S.C. 1422(d))

§§ 307.16-307.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

§ 307.20 What is the content of an application under this program?

(a) Each applicant for a grant under § 307.11 must include in its application—

(1) A statement from each State the applicant proposes to serve indicating the State's desire to cooperate with, and receive services from, the applicant; and

(2) For each State in which the applicant proposes to provide services, information on the State's progress in developing a comprehensive plan for the delivery of special education and related services, as well as vocational and transitional services, to all deaf-blind children and youth in the State to whom it is required to make available a free appropriate public education under Part B of the Education of the Handicapped Act. This information may include—

(i) An explanation of how relevant activities proposed in the State's plan under Part B of the Education of the Handicapped Act have been and will be

taken into account in the proposed project; and

(ii) A description of activities proposed and other relevant planning activities in the State supported under Section 624 of the Education of the Handicapped Act.

(b) Each applicant for a grant under § 307.13 must include in its application a statement from each State the applicant proposes to serve indicating the State's desire to cooperate with, and receive services from, the applicant in order to facilitate the transition of deaf-blind youth from education to employment and other services such as vocational, independent living, and other postsecondary services.

(20 U.S.C. 1422)

(Information collection requirements have been approved under OMB control No. 1820-0028)

§§ 307.21-307.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 307.30 What priorities are considered for support by the Secretary?

(a) The Secretary may select as annual priorities one or more of the types of projects listed in § 307.10.

(b) The Secretary advises the public of these priorities through an application notice published in the Federal Register.

(20 U.S.C. 1422)

§ 307.31 What are the selection criteria used to award a grant?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (40 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590, *Evaluation by the grantee)*

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Capability of applicant agency.* (10 points)

The Secretary reviews each application for information that shows the capability of the applicant public or nonprofit agencies, organizations, or institutions in conducting activities which have significant relevance to the proposed project.

(g) *Dissemination plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the dissemination plan for the project.

(2) The Secretary looks for information that shows—

(i) An effective plan to disseminate project information within the State in which the project is located and to make available to the relevant grantee under § 307.15 significant project information for appropriate dissemination of such information throughout the Nation; and

(ii) A clear description of the content, intended audiences, and timelines for production of all documents and other products proposed for development by the project.

(h) *Cooperation and coordination with other organizations and institutions.* (10 points)

(1) The Secretary reviews each application for information that ensures that activities funded under this section will be coordinated with—

(i) Similar activities funded from grants, contracts, and cooperative agreements awarded under Parts C, D, and E of the Act;

(ii) Other agencies, organizations, and institutions conducting or eligible to conduct activities essential to the effective implementation of the application being considered; and

(iii) The dissemination of materials and information concerning the education of deaf-blind children and youth required under the clearinghouses authorized under section 633 of Part D of the Act.

(2) The Secretary looks for information that shows the nature, extent, and timeliness for coordinated interaction which the applicant has had and proposes to have to facilitate implementation of project activities and continuation of these activities after termination of Federal funding.

(20 U.S.C. 1422)

§§ 307.32-307.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee Under This Program?

§ 307.40 What is the reporting responsibility of a grantee under this program?

Each grantee under §§ 307.11 and 307.12 of this part must report annually to the Secretary—

(a) The numbers, age, severity, and nature of deaf-blindness of deaf-blind children and youth served by the project;

(b) The number of professionals, paraprofessionals, and family members directly served by the project; and

(c) The types of services provided.

(20 U.S.C. 1422(c)(1))

§ 307.41 What advisory committees are to be established under this program?

Each grantee under this part shall establish and maintain an advisory committee for the project. Each committee must include at least one parent of a deaf-blind child or youth, a representative of the State educational agency in the State in which the grantee is located, a limited number of professionals with training and experience in serving deaf-blind children and youth, and other individuals representing related agencies and organizations. These committees may participate in such activities as—

(a) Planning, development, and operation of the project; and

(b) Dissemination of information regarding the project's activities.

(20 U.S.C. 1422)

§ 307.42 What responsibility does an SEA grantee have to obtain technical assistance?

A State educational agency that receives a grant under § 307.11 of this part, and that is not providing technical assistance to other agencies or organizations under the grant, must obtain from an outside source any technical assistance that it needs to carry out its project.

(20 U.S.C. 1422)

§§ 307.43-307.49 [Reserved]

[FR Doc. 84-18333 Filed 7-10-84; 8:45 am]
BILLING CODE 4000-01-M

Federal Register

Wednesday
July 11, 1984

Part V

Department of Education

Office of Special Education And Rehabilitative Services

34 CFR Part 318

Training Personnel for the Education of the Handicapped; Final Regulations

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 318

Training Personnel for the Education of the Handicapped

AGENCY: Department of Education.
ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations under sections 631, 632, and 634 of Part D of the Education of the Handicapped Act, as amended. The Training Personnel for the Education of the Handicapped program provides financial assistance through grants to institutions of higher education, other nonprofit agencies, and State educational agencies to increase the quantity and improve the quality of personnel available to educate handicapped children and youth.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments, with the exception of § 318.46. Section 318.46 will become effective following the Education Department's submission and the Office of Management and Budget's (OMB's) approval of reporting requirements contained in that section under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Max Mueller, Division of Personnel Preparation, Office of Special Education Programs, Department of Education, 400 Maryland Ave, SW. (Switzer Building, Room 4628), Washington, D.C. 20202. Telephone: (202) 732-1068.

SUPPLEMENTARY INFORMATION: The Training Personnel for the Education of the Handicapped program is authorized under Part D of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434).

Current regulations for this program were published on May 24, 1983 (48 FR 23206). These existing regulations were reviewed to determine whether changes are needed in light of amendments to Part D recently made by the Education of the Handicapped Amendments of 1983, Pub. L. 98-199. These regulations are issued as a result of that review.

These regulations establish the following ten priorities: Preparation of special educators; preparation of leadership personnel; preparation of related services personnel; State educational agency programs; special projects; transition of handicapped youth to adult and working life; preparation of personnel to provide services to newborn and infant handicapped children; parent organization projects; rural training projects; and minority training projects.

These regulations implementing the provisions of sections 631, 632, and 634 of Part D of the Education of the Handicapped Act, as amended, are based on the program regulations adopted on May 24, 1983 (noted above); and incorporate the Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77 and 78.

These regulations also include:

(a) Subpart A—General

The scope and purpose of the program are described under § 318.1. These provisions generally describe the program of discretionary financial assistance under sections 631 and 632 of Part D of the Education of the Handicapped Act (EHA) (20 U.S.C. 1431 and 1432).

Section 318.2 of the regulations identifies those institutions and agencies eligible for assistance under the Training Personnel for the Education of the Handicapped program. Eligible entities include (a) institutions of higher education, (b) other nonprofit agencies, and (c) State educational agencies.

Those parts of the Education Department General Administrative Regulations (EDGAR) applicable to the Training Personnel for the Education of the Handicapped program are listed in § 318.3.

EDGAR definitions that are applicable to the Training Personnel for the Education of the Handicapped program are listed in § 318.4.

(b) Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Section 318.10 of these regulations describes the kinds of training projects that may be funded.

Section 318.11(a) describes the scope of training allowed under any funded priority and is identieal to § 318.10(a) of the existing regulations. Section 318.11(b) establishes ten funding priorities, from which the Secretary may select annually. These ten priorities consolidate the existing seven priorities into six priorities (see current § 318.10(b)) and establish four new priorities. The existing priority for specialized training of regular educators (§ 318.10(b)(6)) is consolidated with the priority for special projects (§ 318.11(b)(5)). The existing priority for preparation of trainers of volunteers including parents (§ 318.10(b)(7)) is consolidated with the priority for parent organization projects (§ 318.11(b)(8)). These priorities either parallel the specific types of projects listed in the statute or describe other authorized projects that the Secretary anticipates may merit special attention in the next few years. Establishing a list of possible priorities in the program regulations will allow the Secretary to meet personnel training needs as they change from year to year.

Section 318.12 states that activities proposed by eligible applicants which do not address a selected annual priority will not be considered for funding.

(c) Subpart D—How Does the Secretary Make a Grant?

The selection criteria used to award a grant are contained in § 318.30. The section incorporates the selection criteria in the current § 318.30 but has been rewritten to make the criteria weighted rather than unweighted. The criteria in § 318.30 (f) and (g), relating to the need for the project and the program content, are designed to ensure that selected projects will effectively meet the purposes of this program and address identified areas of personnel shortages. The criteria relating to participation, evaluation design, and contributions in existing § 318.30 (g), (h), and (j), respectively, have been deleted from § 318.30.

(d) Subpart E—What Conditions Must Be Met by a Grantee?

Sections 318.40-318.44 incorporate the student financial assistance provisions of the current §§ 318.40-318.44. Section 318.45 has been added to specify certain duties of a board of directors or a special governing committee of a parent organization. Section 318.46 has been added to specify certain information to be provided in the reports required of grantees.

A notice of proposed rulemaking was published on April 30, 1984 (49 FR 18402). The comments received in response to that notice and the Secretary's responses are summarized below:

Section 318.1—What is the Training Personnel for the Education of the Handicapped Program?

Comment

One commenter recommended that § 318.1(c) be rewritten to included "classroom aides, related services personnel, and regular education personnel who serve handicapped children and youth.

Response

No change has been made. The current wording is consistent with the statute. In addition, the suggested language is not necessary to carry out the purpose of the statute.

Section 318.2—Who is eligible for a grant under the Training Personnel for the Education of the Handicapped Program?

Comment

Fourteen commenters offered a variety of suggestions regarding the requirement that certain preservice training programs meet State and professionally recognized standards. Suggestions included such considerations as: the requirement to meet State standards should be deleted because State standards are often lower than professional standards, the requirement to meet professional standards should be deleted because it discriminates against some schools, the requirements should be stated in stronger terms, and the regulations should provide detailed guidance on how this requirement may be met.

Response

No change has been made. The wording of the section is consistent with the statute. It is obvious from the variety of comments received that it may not be possible to reach a consensus at this time. The current language permits the Secretary to determine the extent to which applicants met statutory requirements.

Comment

One commenter recommended that the requirement that certain preservice training projects meet State and professional standards be applied to all preservice training.

Response

A change has been made at § 318.2(c) to make this requirement apply to all preservice training. There may be some cases where State and professional standards do not exist, and in such cases the requirement would be inapplicable. However, the general coverage of this requirement now extends to all priorities.

Comment

One commenter recommended that § 318.2(b)(3) be changed to "will, in providing training and information under this part, serve the parents of children and youth with any single or combination of handicapping conditions."

Response

No change has been made. The regulations are consistent with the statute. In addition, the suggested language is not necessary to carry out the purpose of the statute.

Comment

One commenter recommended that § 318.2(b) (1) and (2) be removed since the restrictions disadvantage groups composed of more professionals than parents.

Response

No change has been made. The current wording is consistent with the statute. It was Congressional intent to limit this competition to parent organizations.

Section 318.10—What kinds of training projects may be supported under this part?

Comment

One commenter recommended that § 318.10(a)(1) be revised to include "blind and visually impaired."

Response

No change has been made. The current working is consistent with the statute. It is illustrative only and does not exclude the blind and visually impaired.

Comment

Sixteen commenters expressed concern about the omission of rehabilitation counselors as related service personnel serving special education students in the list of authorized activities under § 318.10 and in the priorities under § 318.11.

Response

No change has been made. Primary support for the training of rehabilitation counselors is available from programs under the Rehabilitation Act of 1973.

Comment

One commenter suggested that § 318.10(d) be modified to read "Projects to assist State educational agencies in establishing and maintaining, directly or through grants to *local educational agencies* as well as institutions of higher education, preservice and inservice training of teachers of handicapped children and youth, or supervisors of such teachers."

Response

No change has been made. The current wording is consisent with the statute. In addition, the suggested language is not necessary to carry out the purpose of the statute.

Section 318.11—What types of training priorities are considered for support by the Secretary under this part?

Comment

Three commenters suggested that the mandatory language in the statute on State educational agency and parent projects requires different treatment than inclusion as priorities. One commenter suggested that other priorities "may be selected" but these "must be selected."

Response

No change has been made. The list of priorities includes activities expressly authorized by the statute as well as activities consistent with the statutory purpose.

Comment

Four commenters recommended that training priorities should include, rather than exclude, those specialists providing direct service to clients. They recommended that the Secretary reinstate and support projects designed to provide inservice training of personnel in the above priorities.

Response

No change had been made. The deletion of the provision for inservice training in most of the priorities was a direct response to changes in the Act.

Comment

One commenter recommended that the priority on leadership training be dropped in light of lack of need.

Response

No change has been made. The regulations reflect the statutory provisions for training of administrators, researchers, and teacher trainers.

Comment

Three commenters recommended that the infant and transition priorities be deleted. They felt that the identification of specific issues within these areas was not yet sufficient to justify separate status, and that these types of activities could be supported under other authorities.

Response

No change has been made. These priorities are necessary to enable the Secretary to implement significant new initiatives. Information from the field and past projects supported by Office of Special Education Programs (OSEP) show that there is an emerging need to

address the infant and transition service areas nationally. In other portions of the Act, Congress has emphasized the importance of service for birth through age two and the need for transition services.

Comment

One commenter recommended that § 318.11(b)(3) be modified to read, "Preparation of Leadership Personnel. This priority support doctoral and post-doctoral preservice preparation and post-credential inservice preparation of professional personnel to conduct training of teacher trainers, researchers, administrators and other specialists."

Response

No change has been made. This priority supports doctoral and post-doctoral preservice preparation. The statute does not allow for inservice training in this area.

Comment

One commenter recommended that "Secondary Education for the Handicapped" be placed in a more prominent position under the "Transition" priority.

Response

A change has been made at § 318.11(b)(6) to clarify that this priority includes secondary education of handicapped individuals.

Comment

One commenter recommended that the 10 percent set-aside for parent training and information grants be clarified in the final regulations.

Response

An addition has been made at § 318.11(b)(8)(iv). A provision has been added to reflect authorization to use funds for this purpose.

Comment

Two commenters recommended the addition of priorities dealing with minority issues in the education of handicapped children and services to handicapped children in rural areas.

Response

A change has been made. A new § 318.11 (b)(9) and (b)(10) are added. These issues have been considered as invitational priorities several times in the past. Inclusion of these areas within these priorities will increase the Secretary's ability to direct resources to the most critical areas of personnel shortage.

Section 318.30—What are the selection criteria used to award a grant?

Comment

One commenter recommended that § 318.30(a)(2)(v) which gives examples of underrepresented groups include parents of handicapped children and youth. A similar change was also recommended for § 318.30(c)(2)(iv).

Response

No change has been made. The examples of traditionally underrepresented groups are specified in EDGAR and the Secretary believes that they are appropriate for this program. Section 631(c)(1) of the Act makes specific provision for the needs of this group. *See* §§ 318.10 and 318.11(b)(8).

Comment

One commenter recommended that §318.30(g) *Program Content,* be incorporated in paragraphs (a) through (f) in that section to consolidate the selection criteria.

Response

No Change has been made. The selection criteria under § 318.30(a)–(e) are specified in EDGAR and the Secretary believes that they are appropriate for this program. The Secretary believes that program content is an important criterion that should be addressed separately.

Comment

One commenter recommended that the words "or national significance" be added to inservice projects in § 318.30(f)(2)(ii)(B).

Response

No change has been made. The rationale that the criteria used to judge State educational agency awards should include the issue of significance to other SEAs goes beyond the intent of the Act.

Comment

One commenter recommended the inclusion of a requirement following the selection criteria which would read:

(h) Guidelines for the selection criteria used to award the grant shall be written by such form and detail as the Secretary determines to be appropriate, and must:

(1) Inform applicants when preparing their proposals to address all of the criteria identified in §318.30, and

(2) Clarify for the proposal reader how to apply the selection criteria for reviewing and scoring each application.

Response

No change has been made. Education Department regulations require that selection criteria be published. The promulgation of guidelines to clarify how to apply the selection criteria would have the effect of altering the selection criteria by adding criteria which have not been published for public comment.

Comment

Two commenters recommended that "Participation" be retained as a selection criterion. The omission of this criterion would, according to these commenters, be in conflict with the comprehensive system of personnel development efforts in the States, since so much depends on interagency, interdepartmental, interprofessional, and interpersonal coordination.

Response

No change has been made. In § 318.30(g)(1)(iv) a portion of the participation criterion requirement has been retained. The Secretary believes that the new selection criteria under paragraphs (f) and (g) are consistent with Congressional intent to address personnel shortages and needs.

Comment

Six commenters recommended the inclusion of a requirement in the selection criteria that gives priority to programs that have undergone accreditation as evidence that they meet professionally recognized standards for the quality of their programs.

Response

No change has been made. The eligibility of applications in relation to the requirements under section 631(a)(2) of the Act is determined apart from the merits of the grant application.

Comment

Two commenters suggested that the criteria do not appear applicable to SEAs and parent organizations.

Response

No change has been made. Though the evidence for determining the value of a project on a given criterion may vary among types of projects, the importance of the stated criteria is relatively stable. Five of the seven criteria are established by EDGAR as appropriate to essentially all types of applications.

Section 318.46—What types of reports are required of grantees?

Comment

One commenter recommended that additional information be reported concerning evaluation of individuals to be trained under any proposed grant.

Response

No change has been made. The current wording is consistent with the statute. The data that the commenter requested must be addressed by the applicant under § 318.30(b), *Evaluation plan.*

Other

Comment

Seven commenters made recommendations regarding changes in 34 CFR 300.13.

Response

No changes have been made. Regulations under 34 CFR Part 300 cannot be changed through this rulemaking process.

Comment

A number of commenters suggested corrections of typographical, editorial, and technical items.

Response

Suggested corrections have been made except in those cases where the suggested language was inconsistent with language in EDGAR or the statute.

Paperwork Reduction Act of 1980

Information collection requirements contained in these regulations (§ 318.30) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned an OMB control number 1820-0028. This control number appears as a citation following the appropriate part. Information collection requirements contained in these regulations at § 318.46 will become effective after the Education Department's submission and OMB approval.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations revise existing regulations to implement recently enacted statutory amendments, and to make necessary changes for better program administration. The changes will not have a significant economic impact on small entities participating in the program.

Assessment of Educational Impact

In the notice of proposed rulemaking the Secretary requested comments on whether the proposed regulations would require transmission of information that is already being gathered or is available from any other authority of the United States.

Based on the absence of comment on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 318

Education, Education of the handicapped, Grant programs—education, Reporting and recordkeeping requirements, Student aid, Teachers.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(20 U.S.C. 1431, 1432, and 1434)

(Catalog of Federal Domestic Assistance Number 84.029; Training Personnel for the Education of the Handicapped)

Dated: July 6, 1984.

T.H. Bell,

Secretary of Education.

The Secretary revises Part 318 of Title 34 of the Code of Federal Regulations to read as follows:

PART 318—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

Subpart A—General

Sec.

318.1 What is the Training Personnel for the Education of the Handicapped program?
318.2 Who is eligible for a grant under the Training Personnel for the Education of the Handicapped program?
318.3 What regulations apply to the Training Personnel for the Education of the Handicapped program?
318.4 What definitions apply to the Training Personnel for the Education of the Handicapped program?
318.5–318.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

318.10 What kinds of training projects may be supported under this part?
318.11 What types of training priorities are considered for support by the Secretary under this part?
318.12 How does the Secretary use priorities?
318.13–318.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

Sec.

318.30 What are the selection criteria used to award a grant?
318.31–318.39 [Reserved]

Subpart E—What Conditions Must be Met by a Grantee?

318.40 Is student financial assistance authorized?
318.41 What are the student financial assistance criteria?
318.42 What amount of assistance is authorized?
318.43 What financial assistance is authorized for part-time students?
318.44 What is required for a financially assisted student who withdraws or is dismissed?
318.45 What are the special requirements for a parent organization operating a program receiving assistance under this part?
318.46 What types of reports are required of grantees?
318.47–318.49 [Reserved]

Authority.—Secs. 631, 632, 634, Education of the Handicapped Act (20 U.S.C. 1431, 1432, 1434), unless otherwise noted.

Subpart A—General

§ 318.1 What is the Training Personnel for the Education of the Handicapped program?

This program serves to increase the quantity and improve the quality of personnel available to educate handicapped children and youth through the provision of awards to—

(a) Institutions of higher education and other appropriate nonprofit agencies to assist them in training personnel for careers in special education;

(b) Parent organizations (as defined in § 318.2(b)) to meet the unique training and information needs of parents of handicapped children and youth and volunteers who work with parents; and

(c) State educational agencies to assist them in establishing and maintaining programs for the preservice and inservice training of teachers of handicapped children and youth, or supervisors of such teachers.

(20 U.S.C. 1431, 1432)

§ 318.2 Who is eligible for a grant under the Training Personnel for the Education of the Handicapped program?

(a) In general, the following agencies are eligible for assistance under this part:

(1) State educational agencies.

(2) Institutions of higher education (including the university-affiliated facilities program under the Rehabilitation Act of 1973 and the

satellite network of the developmental disabilities program).

(3) Other appropriate nonprofit agencies or organizations.

(b) For certain priorities under this part, assistance may be limited to a particular type of agency or organization such as a parent organization (see § 318.11(b)(8)). For the purpose of this part, a parent organization is a private nonprofit organization which—

(1) Is governed by a board of directors on which a majority of the members are parents of handicapped children and youth and which includes members who are professionals in the field of special education and related services who serve handicapped children and youth; or

(2) In the absence of such a board of directors, has a membership which represents the interests of individuals with handicapping conditions, and which has established a special governing committee on which a majority of the members are parents of handicapped children and youth and which includes members who are professionals in the fields of special education and related services, to operate the parent training and information program for which assistance is sought;

(3) Will, in providing training and information under this part, serve the parents of children and youth with the full range of handicapping conditions; and

(4) Demonstrates the capacity and expertise to conduct effectively the training and information activities authorized by this part.

(c) In order to receive a preservice training grant, an institution or agency must demonstrate that the proposed project will meet State and professionally recognized standards for the training of special education and related service personnel.

(20 U.S.C. 1431, 1432)

§ 318.3 What regulations apply to the Training Personnel for the Education of the Handicapped program?

The following regulations apply to assistance under the Training Personnel for the Education of the Handicapped program:

(a) The regulations in this Part 318.

(b) The Education Department General Administrative Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions); and

(4) Part 78 (Education Appeal Board).

(20 U.S.C. 1431, 1432; 20 U.S.C. 3474(a))

§ 318.4 What definitions apply to the Training Personnel for the Education of the Handicapped program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Budget
Department
EDGAR
Fiscal year
Grant
Grantee
Nonprofit
Preschool
Private
Project
Public
Secretary
State
State educational agency

(b) *Definition that applies to this part.* The following definition applies to this part:

The term "handicapped youth", as used in this part, is defined in Section 602(b) of the Education of the Handicapped Act.

(20 U.S.C. 1401(b), 1431, 1432; 20 U.S.C. 3474(a))

§§ 318.5-318.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 318.10 What kinds of training projects may be supported under this part?

The Secretary may provide financial assistance under this part to support—

(a) Projects to train personnel for careers in—

(1) Special education, including speech, language, and hearing impaired services, and adaptive physical education;

(2) The provision of related services to handicapped children and youth in educational settings;

(3) Special education supervision and administration;

(4) Special education research; and

(5) Training of special education personnel and other personnel providing special services for the handicapped;

(b) Special projects to develop and demonstrate new approaches for—

(1) The preservice training purposes set forth in paragraph (a) of this section;

(2) The preservice training of regular educators; and

(3) The inservice training of special education personnel, including classroom aides, related services personnel, and regular education personnel who serve handicapped children and youth;

(c) The provision of training and information to—

(1) Parents of handicapped children and youth; and

(2) Volunteers who work with parents of handicapped children and youth; and

(d) Projects to assist State educational agencies in establishing and maintaining, directly or through grants to institutions of higher education, programs for the preservice and inservice training of teachers of handicapped children and youth, or supervisors of such teachers.

(20 U.S.C. 1431, 1432)

§ 318.11 What types of training priorities are considered for support by the Secretary under this part?

(a) Projects supported under this part may provide training to degree, nondegree, certified, and non-certified personnel.

(b) The Secretary may select annually one or more of the following priorities or any combination of these priorities for funding:

(1) *Preparation of special educators.* This priority supports projects designed to provide preservice training of personnel for careers in special education of handicapped children and youth. The priority includes the preparation of special educators of the handicapped, including personnel trained in speech, language, and hearing impairments, and adaptive physical educators.

(2) *Preparation of leadership personnel.* This priority supports doctoral and post-doctoral preservice preparation of professional personnel to conduct training of teacher trainers, researchers, administrators, and other specialists.

(3) *Preparation of related services personnel.* This priority supports the preservice preparation of individuals who provide developmental, corrective, and other supportive services as may be required to assist a handicapped child or youth to benefit from special education. The priority supports the preparation of paraprofessional personnel, career educators, recreation specialists, health services personnel, school psychologists, social service providers, counselors, physical therapists, occupational therapists, volunteers, and other personnel providing special services.

(4) *State education agency programs.* This priority supports State educational agencies in establishing and maintaining, directly or through grants to institutions of higher education,

programs for the preservice and inservice training indicated by the Secretary in the application notice, of teachers of handicapped children and youth, or supervisors of such teachers. Projects may deal with unique Statewide training in all or several of the areas of need identified by the State comprehensive system of personnel development under 34 CFR 300.380–300.387, and may include training in management and organizational design which enhances the ability of States to provide special education and related services to handicapped children and youth. Only State educational agencies are eligible to submit applications under this priority.

(5) *Special projects.* This priority supports projects to develop and demonstrate new approaches for the preservice training purposes set forth in § 318.10(a), for the preservice training of regular educators, and for the inservice training of special education personnel, including classroom aides, related services personnel, and regular education personnel who serve handicapped children and youth. Project activities assisted under this priority include development, evaluation, and distribution of imaginative or innovative approaches to personnel preparation, and development of materials to prepare personnel to educate handicapped children and youth.

(6) *Transition of handicapped youth to adult and working life.* This priority supports the preservice preparation of special education and related service personnel, including secondary school teachers, who will prepare handicapped youth to meet adult roles. Personnel may be prepared to provide either short-term transitional services, or to aid in the placement of handicapped youth in long-term employment, or both. Projects supported under this priority should prepare personnel for employment in programs designed to prepare handicapped youth for community placement and adjustment to the community setting.

(7) *Preparation of personnel to provide special education and related services to newborn and infant handicapped children.* This priority supports the preservice preparation of personnel who will serve newborn and infant handicapped children, or newborn and infant children who are determined to be at high risk of being handicaped, or both. Personnel may be prepared to provide short-term special education and related services as necessary in an intensive care nursery, or long-term special education and related services which extend into a preschool program. Projects supported under this priority prepare personnel for employment in programs characterized by strong interaction of the medical, educational, and related services communities, and by involvement of parents or guardians who are the primary care givers for their children.

(8) *Parent organization projects.* (i) This priority supports grants to parent organizations, as defined in § 318.2(b), for the purpose of providing training and information to parents of handicapped children and youth, and to volunteers who work with parents to enable those individuals to participate more effectively with professionals in meeting the educational needs of handicaped children and youth. These projects must be designed to meet the unique training and information needs of parents of handicapped children and youth, including those who are members of groups that have been traditionally underrepresented, living in the area to be served by the grant.

(ii) In selecting projects under this priority, the Secretary ensures that grants will be—

(A) Distributed geographically to the greatest extent possible throughout all the States; and

(B) Targeted to parents of handicapped children and youth in both urban and rural areas, or on a State or regional basis.

(iii) Parent training and information projects assisted under this priority must assist parents to—

(A) Better understand the nature and needs of the handicapping conditions of their handicapped child or youth;

(B) Provide followup support for their handicapped child's or youth's educational programs;

(C) Communicate more effectively with special and regular educators, administrators, related services personnel, and other relevant professionals;

(D) Participate in educational decisionmaking processes including the development of their handicapped child's or youth's individualized education program under 34 CFR 300.340–300.349;

(E) Obtain information about the programs, services, and resources available to their handicapped child or youth, and the degree to which the programs, services, and resources are appropriate; and

(F) Understand the provisions for the education of handicapped children and youth as specified under Part B of the Education of the Handicapped Act and 34 CFR Part 300.

(iv) The Secretary reserves at least 10 percent of appropriations under this part for parent organization projects.

(9) *Preparation of personnel to work in rural areas.* This priority supports preservice training of personnel for rural areas. Particular attention must be given to preservice training related to the unique aspects of providing services to special populations in rural areas. Projects supported under this priority must prepare special education personnel to fill a variety of rural specific roles with handicapped students, parents, peers, and administrators. Training curricula must be designed to—

(i) Teach students about local community systems and encourage understanding of interdisciplinary models of service delivery which are consistent with local community values; and

(ii) Train students in alternate ways of adopting teaching techniques for specific rural community characteristics.

(10) *Preparation of personnel for minority handicapped children.* This priority supports the preservice preparation of special education and related service personnel to educate minority or underserved populations, and provides training for members of groups which have been traditionally underrepresented in these fields.

(20 U.S.C. 1431, 1432)

§ 318.12 How does the Secretary use priorities?

(a) The Secretary may establish a separate competition for each priority described in § 318.11(b) or combination of priorities selected for support in a given year.

(b) If an application contains activities which address both a priority and a non-priority area, the Secretary considers for support only those activities that address a selected priority.

(20 U.S.C. 1431, 1432)

§§ 318.13–318.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 318.30 What are the selection criteria used to award a grant?

The Secretary uses the weighted criteria in this section to evaluate applications for new awards. The maximum score for all the criteria is 100 points.

(a) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that ensures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Evaluation plan.* (15 points)

The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(*See* 34 CFR 75.590, *Evaluation by the grantee*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (c)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its non-discriminatory emmployment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(d) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows—

(i) The applicant plans to devote adequate resources to the project;

(ii) The facilities that the applicant plans to use are adequate; and

(iii) The equipment and supplies that the appplicant plans to use are adequate.

(e) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Extent of need for the project.* (25 points)

(1) The Secretary reviews each application for information that shows the project meets personnel training needs, consistent with the purposes of Part D of the Act.

(2) In conducting this review, the Secretary looks for information that—

(i) Describes the needs addressed by the project;

(ii) Describes how the project relates to—

(A) Identifies personnel shortages in the fields of special education and related services for projects proposing to provide preservice training of personnel for careers in the fields of special education and related services under § 318.10 (a) and (d); and

(B) Personnel training needs for special projects under § 318.10(b), parent and volunteer projects under § 318.10(c), and inservice projects under § 318.10(d); and

(iii) Describes the benefits to be gained by meeting those personnel needs.

(g) *Program content.* (15 points)

(1) The Secretary reviews each application for information that shows—

(i) The extent to which the application includes a description of competencies that each program participant will acquire and how the competencies will be evaluated;

(ii) The extent to which substantive content and organization of the program—

(A) Are appropriate for the attainment of knowledge and competencies that are necessary for the provision of quality educational services to handicapped children and youth; and

(B) Demonstrate an awareness of relevant methods, procedures, techniques, and instructional media or materials that can be used in the preparation of personnel who serve handicapped children and youth;

(iii) The extent to which appropriate practicum facilities are accessible to the applicant and are used for such activities as observation, participation, practice, teaching, laboratory or clinical experience, internship, or other supervised experiences of adequate scope, combination, and length; and

(iv) The extent to which program philosophy, program objectives, and program activities are related to the educational needs of handicapped children and youth.

(20 U.S.C. 1431, 1432; 20 U.S.C. 3474(a))

§§ 318-31-318.39 [Reserved]

(Information collection requirements in § 318.30 have been approved under OMB control No. 1820-0028)

Subpart E—What Conditions Must Be Met by a Grantee?

§ 318.40 Is student financial assistance authorized?

A grantee may use any portion of a grant awarded under this part to pay direct financial assistance to students, including fellowships or traineeships with stipends and allowances that meet the requirements of this part.

(20 U.S.C. 1431, 1432)

§ 318.41 What are the student financial assistance criteria?

Direct financial assistance may be paid to students only if—

(a) The student is qualified for admission to the program of study;

(b) The student maintains acceptable progress in a course of study;

(c) The student demonstrates need for financial assistance as determined by criteria established by the grantee; and

(d) The student is a citizen or a national of the United States, or is legally in the United States for other than a temporary purpose and intends to become a permanent resident.

(20 U.S.C. 1431, 1432)

§ 318.42 What amount of assistance is authorized?

Subject to the limitations stated in §§ 318.43 and 318.44, grantees shall disburse financial assistance to students in amounts consistent with established grantee policies relevant to providing financial assistance to part-time and full-time students at various levels of study.

(20 U.S.C. 1431, 1432)

§ 318.43 What financial assistance is authorized for part-time students?

(a) Students enrolled for less than a full calendar year or a full-time academic year may receive a stipend. Such short-term students are not eligible for allowances for dependents.

(b) Students who are receiving calendar year or full-time academic year assistance at the time of their short-term study are not eligible for financial assistance under this section.

(20 U.S.C. 1431, 1432)

§ 318.44 What is required for a financially assisted student who withdraws or is dismissed?

A grantee shall make financial adjustments when a student withdraws or is dismissed before the end of the program. In those instances where students withdraw or are dismissed from graduate and undergraduate academic year or short-term programs, a grantee may give the remaining funds as a partial award to another student who is enrolled in the program assisted under this part. The Secretary considers the funds made available as a result of a financial adjustment as an overpayment, unless these funds are used as a partial award or are used in ways otherwise consistent with the requirements of this part.

(20 U.S.C. 1431, 1432)

§ 318.45 What are the special requirements for a permit organization operating a program receiving assistance under this part?

(a) The board of directors of a parent organization or any special governing committee established under § 318.2(b) shall meet at least once in each calendar quarter to review the parent training and information program activities assisted under this part. Any special governing committee shall advise the governing board directly of its views and recommendations.

(b) Each parent organization operating a program receiving assistance under this part shall consult with appropriate agencies which serve or assist handicapped children and youth and are located in the jurisdictions served by the program.

(c) Whenever a parent organization requests the renewal of a grant awarded under § 318.11(b)(8), the board of directors must submit to the Secretary a written review of the training and information program conducted by that parent organization during the preceding fiscal year. This review must include the views and recommendations of any special governing committee established under § 318.2(b).

(20 U.S.C. 1431 (c)(3), (c)(6))

§ 318.46 What types of reports are required of grantees?

Not more than 60 days after the end of any fiscal year, each recipient of a grant during that fiscal year must prepare and submit a report to the Secretary. Each report must be in such form and detail as the Secretary determines to be appropriate, and must include—

(a) The number of individuals trained under the grant, by category of training and level of training; and

(b) The number of individuals trained under the grant receiving degrees and certification, by category and level of training.

(20 U.S.C. 1434(a))

§§ 318.47–318.49 [Reserved]

[FR Doc. 84-18344 Filed 7-10-84; 8:45 am]
BILLING CODE 4000-01-M

Federal Register

Wednesday
July 11, 1984

Part VI

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 326

Secondary Education and Transitional Services for Handicapped Youth; Final Regulations

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 326

Secondary Education and Transitional Services for Handicapped Youth

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations under section 626 of Part C of the Education of the Handicapped Act, as amended by Pub. L. 98-199. This program provides support for research, development, demonstration, evaluation, and other types of projects that improve secondary special education and other services for handicapped youth in order to assist them in the transition from secondary school to postsecondary environments such as competitive or supported employment. The Secondary Education and Transitional Services for Handicapped Youth program, authorized by section 626 of Part C of the Education of the Handicapped Act, provides grants to, and cooperative agreements and contracts with, institutions of higher education, State educational agencies (SEAs), local educational agencies (LEAs), and other appropriate public and private nonprofit institutions or agencies to meet the program's purposes.

These regulations include information about the kinds of projects supported under this program, the application requirements, and the selection criteria for judging applications.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. William Halloran, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3521), Washington, D.C. 20202. Telephone: (202) 732-1112.

SUPPLEMENTARY INFORMATION: The Secondary Education and Transitional Services for Handicapped Youth program is authorized by section 626 of Part C of the Education of the Handicapped Act, as added by the Education of the Handicapped Act Amendments of 1983, Pub. L. 98-199. This program supports research, development, demonstration, evaluation, and other types of projects that (1) strengthen and coordinate activities to assist in the transition to postsecondary education, vocational training, competitive employment, continuing education, or adult services for handicapped youth; and (2) stimulate the improvement and development of programs for secondary special education. The projects assisted under this program may include, but are not limited to, the following priority areas:

- Transition Strategies and Techniques;
- Service Demonstration Models;
- Demographic Studies;
- Service Delivery Research Projects;
- Cooperative Models for Planning and Developing Transitional Services;
- Procedures for Evaluation of Vocational Training, Placement, and Transitional Services;
- Program Evaluation; and
- Research Projects in Secondary Education.

A notice of proposed rulemaking was published in the Federal Register on April 30, 1984 (49 FR 18390). The following is a summary of the comments received in response to this notice and the Secretary's responses to those comments:

Comment. One commenter remarked that the communication between secondary schools and postsecondary environments should be improved.

Response. No change has been made. The purpose of section 626 of the Act, as added by Pub. L. 98-199, is to strengthen and coordinate education, training, and related services for handicapped youth to assist in the transitional process to postsecondary environments.

Comments. Two commenters questioned the legality of funding with cooperative agreements under this part since the statute does not specifically list cooperative agreements as a funding mechanism.

Response. No change has been made. The Federal Grants and Cooperative Agreements Act (31 U.S.C. 631 *et seq.*) authorizes the use of grants, cooperative agreements, and contracts, and provides the standards for determining the appropriate instrument for a particular situation.

Comment. Some commenters believed that there was undue emphasis accorded to the goal of employment throughout the proposed regulations. One commenter recommended, among other things, that § 326.1 be revised to more appropriately reflect the range of purposes for this program as contained in the statute and the accompanying legislative history.

Response. No change has been made. Section 326.1 encompasses the full range of purposes contained in the statute. The Secretary has identified the area of employment as an immediate priority of programming for transition to provide for handicapped individuals to obtain jobs either immediately after school or after a period of postsecondary education or vocational services. Employment is a critical aspect of the lives of most adults in our society, whether their work involves highly paid career specializations, entry level jobs, or working in situations where ongoing support services are provided. Paid employment offers opportunities to expand social contacts, contribute to society, demonstrate creativity, and establish an adult identity. The income generated by work creates purchasing power in the community, makes community integration easier, expands the range of available choices, enhances independence, and creates personal status. Of course, this concern with employment does not indicate a lack of interest in other aspects of adult living. Success in social, personal, leisure, and other adult roles enhances opportunities both to obtain employment and to enjoy its benefits.

There has been a long history of assumptions about low work potential among handicapped individuals. The philosophy of the transition program is based on the assumption that the goal of sustained employment should not be disregarded because of the presence, nature, or severity of a disability. Of course, traditional unsupported job roles, in which individuals are expected to function without benefit of social services, may be difficult for many individuals to sustain. For these persons, alternative supported employment opportunities can be developed that combine work opportunities and ongoing support services.

Comment. One commenter recommended broadening the definition of "handicapped youth" under § 326.4 who may participate in the program to include orthopedically handicapped, mainstreamed students for whom competitive employment may be possible.

Response. No change has been made. The definition of handicapped children in 34 CFR 300.5 applies to this program. The definitions in § 300.5 include the category "orthopedically impaired." Handicapped students with orthopedic impairments may participate in projects supported under this program.

Comment. Several commenters recommended that the definition of "supported employment" under § 326.4(c)(2)(i) be revised to add "at this time" after the word "unlikely" to avoid the implication that early decisions about the work potential of handicapped youth would not change given other circumstances and time.

Response. A change has been made. Section 326.4(c)(2)(i) has been revised by deleting the term "unlikely" and substituting "not immediately obtainable."

Comment. Two commenters recommended that the focus of the program be shifted to permit more funding of direct services and the providers of those services. One commenter specifically suggested: (a) Changing § 326.10(a) by adding language to include support for "employment and training for supported employment;" and (b) revising § 326.10(a)(1) to provide special consideration for projects "in low industrial, rural, and remote areas."

Response. No change has been made. The changes recommended by the commenters would be inconsistent with the purpose of this program which is to provide support for research, development, demonstration, evaluation, and other types of projects that improve secondary special education and other services for handicapped youth in order to assist them in the transition from secondary school to postsecondary environments such as competitive or supported employment.

Comment. One commenter questioned the inclusion of the provisions in § 326.10(a) (2) and (4) stating that they are not among the purposes contained in the statute.

Response. A change has been made. Section 326.10(a)(2) has been changed by deleting the word "Federal" to reflect the full scope of activities under the statute and the coordination requirement under section 626(a)(1) of the Act. The Secretary has retained paragraph (a)(4) in order to carry out the purposes of section 624 of the Act, which is a general authority applicable to all programs included in Part C of the Act.

Comment. Several commenters questioned the need for § 326.10(b) to include provisions for the participation of "other handicapped individuals who have recently left special education programs." The commenters stated that it could be presumed that those individuals no longer need special education and would, therefore, not be considered handicapped under the Act.

Response. No change has been made. The regulations, by including the definition of "handicapped youth" under § 326.4(c)(1), make it clear that the participants in projects supported under this program must be handicapped as defined in section 602(a)(1) of the Act. Furthermore, the definition of "handicapped youth" in § 326.4(c)(1) indicates that participants must be at least 12 years of age or be enrolled in the seventh grade or higher. The Secretary interprets this language as not precluding the inclusion of handicapped individuals who have recently left school in projects supported under this part.

Although Part B of the Act limits beneficiaries of programs assisted under Part B to handicapped children under age 22, no similar limitation is specified in Part C of the Act. Therefore, handicapped individuals who have recently exited special education programs by program completion or otherwise and who are in need of further assistance to make the transition to postsecondary environments could benefit from certain project activities.

Comment. Some commenters suggested that "rehabilitative counseling" should be added to § 326.10(a)(3) as a service to be provided during the transitional process. Other commenters suggested that § 326.20 be amended by adding a requirement that each applicant ensure that each handicapped individual "be referred to a State vocational rehabilitation agency prior to two years before anticipated completion of school." Other commenters suggested that "rehabilitative counseling" be listed as a related service at 34 CFR 300.13.

Response. No change has been made. Neither the list of activities in § 326.10(a)(3) nor the priorities in § 326.30 preclude other services that may be proposed in individual applications submitted for consideration for assistance under this program. Section 626 of the Act does not include any provision that would require registration of all handicapped youth with State vocational rehabilitation agencies. The programs administered by those agencies are available to those handicapped youth who meet the eligibility requirements. The definition of related services under 34 CFR 300.13 is not under consideration for change in this rulemaking process.

Comment. One commenter remarked that the requirement under § 326.20(a) to "include information demonstrating how proposed project activities will lead to competitive or supported employment" is not entirely appropriate for projects concentrating on improving secondary education opportunities for handicapped youth.

Response. No change has been made. Inclusion of this requirement is consistent with the Secretary's view that preparation for employment should be an important focus of secondary education programs within the transition effort.

Comment. Two commenters felt that § 326.20 should require grantees to include in their applications coordination plans between section 311 of the Rehabilitation Act of 1973 and projects under this part as required under Section 626(e) of the statute.

Response. No change has been made. Section 626(e) authorizes the Secretary to coordinate programs under this part with projects under section 311 of the Rehabilitation Act of 1973. Section 626(e) of the statute does not impose requirements on applicants.

Comment. Several commenters suggested that the regulations do not place enough emphasis on independent living and interpersonal skills. The commenters felt that these skills are necessary to enable handicapped individuals to benefit from transitional services and to succeed in the world of work.

Response. No change has been made. The priorities in § 326.30 allow for research and demonstration projects which include improvements in independent living as well as interpersonal skills.

Comment. Several commenters expressed concern that, although the priorities listed under § 326.30 are similar in many respects to those included in the Act, the goal of employment has been given marked emphasis. One commenter added that no priority was included for "specially designed vocational programs to increase the potential for competitive employment" as authorized in the Act. This commenter suggested a separate priority to address employment.

Response. No change has been made. The Secretary believes that employment is an important focus of the program and the priorities are consistent with this view. Attention has been directed to vocational programs in the priorities under § 326.30 (a), (b), (e), and (f).

Comment. One commenter expressed concern that there was insufficient emphasis on the improvement and development of secondary special education programs, although this is one of the two purposes of the new program. In particular, the commenter pointed out that § 326.30 does not include a priority for secondary education.

Response. A change has been made. The Secretary agrees that the development and improvement of secondary programs deserves attention and, therefore, adds a priority at § 326.30 that addresses this area. The new priority, "Research Projects in Secondary Education," supports research projects which focus on secondary level programs for handicapped youth. The major objective of the projects is the development and improvement of replicable programs and

will focus on the evaluation of the program or the components of the program, such as curricula design, program organization, employer involvement, and instructional methods.

Comment. Several commenters suggested that Development Disabilities Councils be added to the list of adult service agencies that may be included in the cooperative models developed under § 326.30(e).

Response. A change has been made. Developmental Disabilities Councils have been included in § 326.30(e), "Cooperative Models for Planning and Developing Transitional Services," as agencies that may be included in cooperative models developed under this priority.

Comment. One commenter believes that the public should have an opportunity to comment on each year's selected priorities prior to final adoption.

Response. No change has been made. The inclusion of a list of priorities in the regulations from which the Secretary selects annually provides the opportunity for public comment on the Department's established funding priorities. Under the Education Department General Administrative Regulation (EDGAR), publication of priorities annually for public comment is required only if the Secretary determines that the needs of handicappped youth and the purposes of the statute require the establishment or additional priorities for funding purposes. The Secretary believes that these procedures assure public participation in the selection of priorities.

A summary of these regulations follows:

(a) Subpart A—General

Section 326.1 contains the purpose for the Secondary Education and Transitional Services for Handicapped Youth program, which is to assist handicapped youth in the transition from secondary school to postsecondary environments such as competitive or supported employment, postsecondary education, vocational training, continuing education, or adult services, and also to ensure that secondary special education and transitional services result in competitive or supported employment for handicapped youth.

Section 326.2 identifies the parties that are eligible to receive grants.

Section 326.3 lists regulations that are applicable to this program.

Definitions of "handicapped youth" and "supported employment" are provided in § 326.4(c).

(b) Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Section 326.10 identifies the types of projects that the Secretary supports. This section identifies the particular activities that the Secretary believes will most effectively achieve the purposes of this program.

(c) Subpart C—How Does One Apply for a Grant?

Section 326.20 contains application requirements that an applicant must meet in addition to the requirements in the Education Department General Administrative Regulations (EDGAR). The information required by this section is needed to ensure that funded projects will meet statutory requirements and will provide effective transition services.

(d) Subpart D—How Does the Secretary Make a Grant?

Section 326.30 describes the priority areas that the Secretary may select for funding. These priorities are needed to ensure that the Secretary can meet program needs as they change from year to year.

Sections 326.32 and 326.33 contain the selection criteria the Secretary uses to evaluate applications and award new grants. The Secretary uses weighted criteria that reflect the relative importance of the elements of an application in order to ensure that the most promising projects are selected. The Secretary uses different selection criteria for research and evaluation projects and for model projects to reflect the difference in the nature of those projects.

(e) Subpart E—What Conditions Must Be Met by a Grantee?

Sections 326.40 and 326.41 contain requirements that applicants must meet, including participation of handicapped students and the parents of handicapped students in the planning, development, and implementation of the project; and coordination with the State educational agency. These provisions are required by section 626 (c) and (d) of the Act.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document provides early notification of the Department's specific plans and actions for this program.

Paperwork Reduction Act of 1980

The information collection requirements in these regulations (§ 326.20) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned an OMB control number. The control number appears as a citation at the end of this part.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The application procedures in the regulations will not place undue burdens on small entities submitting applications under this program.

Assessment of Educational Impact

In the notice of proposed rulemaking published in the Federal Register on April 30, 1984, the Department requested comments on whether the proposed regulations required information that is already being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 326

Education, Education of handicapped, Education—research, Grants program—education, Local educational agency, Reporting and recordkeeping requirements, School, State educational agencies.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance No. 84.158; Secondary Education and Transitional Services for Handicapped Youth)

Dated: July 6, 1984.

T. H. Bell,

Secretary of Education.

The Secretary adds a new Part 326 to Title 34 of the Code of Federal Regulations as follows:

PART 326—SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH PROGRAM

Subpart A—General

Sec.
326.1 What is the Secondary Education and Transitional Services for Handicapped Youth Program?
326.2 Who is eligible to apply for an award under this program?
326.3 What regulations apply to this program?
326.4 What definitions apply to this program?
326.5–326.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

326.10 What kind of projects are authorized under this part?
326.11–326.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

326.20 What must an applicant include in its application?
326.21–326.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

326.30 What priorities are considered for support by the Secretary under this part?
326.31 How does the Secretary establish priorities?
326.32 What are the selection criteria for evaluating applications for research and evaluation projects?
326.33 What are the selection criteria for evaluating applications for model projects?
326.34–326.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

326.40 What is the requirement for participation of handicapped students and their parents?
326.41 What coordination requirement must a grantee meet?
326.42–326.49 [Reserved]

Authority: Sec. 626 of the Education of the Handicapped Act (20 U.S.C. 1425), unless otherwise noted.

Subpart A—General

§ 326.1 What is the Secondary Education and Transitional Services for Handicapped Youth Program?

(a)(1) The purpose of this program is to assist handicapped youth in the transition from secondary school to postsecondary environments such as competitive or supported employment.

(2) The Secretary carries out this purpose by providing assistance for projects that—

(i) Strengthen and coordinate education, training, and related services that assist handicapped youth in the transition to competitive or supported employment, postsecondary education, vocational training, continuing education, or adult services; or

(ii) Stimulate the improvement and development of programs for secondary special education.

(b) The purpose of this program is also to ensure that secondary special education and transitional services result in competitive or supported employment for handicapped youth.

(20 U.S.C. 1425)

§ 326.2 Who is eligible to apply for an award under this program?

The Secretary may provide assistance under this program by grants to, or contracts with—

(a) Institutions of higher education;

(b) State educational agencies;

(c) Local educational agencies; and

(d) Other public and private nonprofit institutions or agencies (including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*)).

(20 U.S.C. 1425(a))

§ 326.3 What regulations apply to this program?

The following regulations apply to awards under the Secondary Education and Transitional Services for Handicapped Youth program:

(a) The regulations in this Part 326.

(b) The Education Department General Administrative Regulations (EDGAR) in Title 34 of the Code of Federal regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs);

(3) Part 77 (Definitions);

(4) Part 78 (Education Appeal Board); and

(5) Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(20 U.S.C. 1425; 20 U.S.C. 3474(a))

§ 326.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
EDGAR
Fiscal year
Grant
Grantee
Local educational agency
Nonprofit
Private
Project
Project period
Public
Secondary school
Secretary
State
State educational agency

(20 U.S.C. 1425; 20 U.S.C. 3474(a))

(b) *Definitions in 34 CFR Part 300.* The following terms used in this part are defined in 34 CFR 300.5,300.13, and 300.14:

Handicapped children
Related services
Special education

(20 U.S.C. 1401(a) (1), (16), (17))

(c) *Other definitions.* In addition to the definitions referred to in paragraphs (a) and (b) of this section, the following definitions apply to this part:

(1) "Handicapped youth" means any handicapped child who—

(i) Is twelve years of age or older; or

(ii) Is enrolled in the seventh or higher grade in school.

(20 U.S.C. 1401(b))

(2) "Supported employment" is paid work in a variety of settings, particularly regular work sites, especially designed for handicapped individuals—

(i) For whom competitive employment at or above the minimum wage is not immediately obtainable; and

(ii) Who, because of their disability, need intensive on-going support to perform in a work setting.

(20 U.S.C. 1425)

§§ 326.5–326.9 [Reserved]

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 326.10 What kinds of projects are authorized under this part?

(a) This program supports research, development, demonstration, evaluation, and other types of projects for the following purposes:

(1) To improve secondary education programs for handicapped youth.

(2) To coordinate with other activities serving this population.

(3) To provide training and related services to assist handicapped youth in the transitional process to postsecondary education, vocational training, competitive employment, continuing education, or adult services.

(4) To conduct research, innovation, training, or dissemination activities, consistent with the purposes of Section 624 of the Act and the requirements in 34 CFR Part 315.

(b) Projects funded under this part must serve handicapped youth and may also include other handicapped individuals who have recently left special education programs.

(20 U.S.C. 1425)

§§ 326.11-326.19 [Reserved]

Subpart C—How Does One Apply for a Grant?

§ 326.20 What must an applicant include in its application?

(a) Each applicant must include in its application information demonstrating how the activities it proposes will lead to competitive or supported employment of handicapped individuals.

(b) Each applicant must include in its application information demonstrating how it has met, and will meet, the requirements of § 326.40.

(c) Each applicant for activities described in § 326.30 (a) and (b) that is not an educational agency must include in its application information demonstrating how it has met, and will meet, the requirements of § 326.41.

(20 U.S.C. 1425)

(Information collection requirements have been approved under OMB control number 1820-0028)

§§ 326.21-326.29 [Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 326.30 What priorities are considered for support by the Secretary under this part?

The Secretary may select annually one or more of the following priority areas for funding:

(a) *Transition Strategies and Techniques.* This priority supports research projects designed to develop strategies and techniques for transition to competitive or supported employment through improvements in independent living skills, secondary and postsecondary education, vocational preparation, and availability of work opportunities.

(b) *Service Demonstration Models.* This priority supports projects that develop and establish exemplary models for services and programs, including specific vocational training and job placement, that result directly in paid employment in regular work settings for handicapped youth leaving school, or that enhance the effectiveness of secondary and postsecondary services which lead to employment.

(c) *Demographic Studies.* This priority supports demographic studies of the numbers, locations, age levels, types and degrees of disabilities of handicapped youth, and anticipated transition and adult services needed by those youth to obtain competitive or supported employment.

(d) *Service Delivery Research Projects.* This priority supports research projects, including field testing and evaluation of innovative service approaches to service delivery models or components to assist handicapped youth in secondary school and in other services that assist transition to employment. These service delivery approaches can be replicated and disseminated.

(e) *Cooperative Models for Planning and Developing Transitional Services.* This priority supports projects designed to plan and develop cooperative models for activities among State or local educational agencies, developmental disabilities councils, and adult service agencies, including vocational rehabilitation, mental health, mental retardation, public employment, and private employers, which will facilitate effective planning for services to meet the employment needs of handicapped youth as they leave school.

(f) *Procedures for Evaluation of Secondary Education, Vocational Training, and Placement Services.* This priority supports projects that will develop appropriate procedures for evaluating secondary special education, vocational training, placement, and other transitional services that lead to employment for handicapped youth.

(g) *Program Evaluation.* This priority supports projects that will evaluate the effectiveness of the program carried out under this part to assist handicapped youth in the transition from secondary school to postsecondary environments such as competitive or supported employment.

(h) *Research Projects in Secondary Education.* This priority supports research projects which focus on secondary level programs for handicapped youth. These projects will have as their major objective the development and improvement of replicable programs and will focus on the evaluation of the program or the components of the program, such as curricula design, program organization, employer involvement, and instructional methods.

(20 U.S.C. 1425)

§ 326.31 How does the Secretary establish priorities?

For any fiscal year, the Secretary may select a priority or combination of priorities from among those listed in § 326.30 by publishing a notice in the Federal Register.

(20 U.S.C 1425)

§ 326.32 What are the selection criteria for evaluating applications for research and evaluation projects?

The Secretary uses the criteria in this section to evaluate applications for research and evaluation projects, including projects submitted under § 326.30 (a), (c), (d), (f), (g), and (h). The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages

applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590, *Evaluation by the grantee*)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are qualifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Importance.* (10 points)

(1) The Secretary reviews each application for information demonstrating that the proposed project addresses national concerns in light of the purposes of this part.

(2) The Secretary looks for information that shows—

(i) The significance of the problem or issue to be addressed;

(ii) The importance of the proposed project in increasing the understanding of the problem or issue;

(iii) The experiences of service providers related to the problem or issue; and

(iv) Previous research findings related to the problem or issue.

(g) *Impact.* (10 points)

The Secretary reviews each application for information that shows the probable impact of the proposed project in educating handicapped youth, including—

(1) The contribution that the project findings or products will make to current knowledge or practice; and

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(h) *Technical soundness.* (40 points)

The Secretary reviews each application for information demonstrating the technical soundness of the research or evaluation plan, including—

(1) The design (10 points);

(2) The proposed sample (10 points);

(3) Instrumentation (10 points); and

(4) Data analysis procedures (10 points).

(20 U.S.C. 1425)

§ 326.33 What are the selection criteria for evaluating applications for model projects?

The Secretary uses the criteria in this section to evaluate applications for model projects, including projects submitted under § 326.30 (b) and (e). The maximum score for all of the criteria is 100 points.

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590, *Evaluation by the grantee)*

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Importance.* (10 points)

The Secretary reviews each application for information that shows—

(1) The service delivery problem addressed by the proposed project is of concern to others in the Nation, and;

(2) The importance of the project in solving the problem.

(g) *Impact.* (10 points)

The Secretary reviews each application for information that shows the probable impact of the proposed model in educating handicapped youth, including—

(1) The contribution that the project findings or products will make to current knowledge or practice; and

(2) The extent to which findings and products will be disseminated to, and used for the benefit of, appropriate target groups.

(h) *Innovativeness.* (10 points)

(1) The Secretary reviews each application for information that shows the innovativeness of the proposed project.

(2) The Secretary looks for information that shows a conceptual framework that—

(i) Is founded on previous theory and research; and

(ii) Provides a basis for the unique strategies and approaches to be incorporated into the model.

(i) *Technical soundness.* (25 points)

The Secretary reviews each application for information demonstrating the technical soundness of the plan for the development, implementation, and evaluation of the model with respect to such matters as—

(1) The population to be served;

(2) The model planning process;

(3) Recordkeeping systems;

(4) Coordination with other service providers;

(5) The identification and assessment of students;

(6) Interventions to be used, including proposed curricula;

(7) Individualized educational program planning; and

(8) Parent and family participation.

(20 U.S.C. 1425)

§§ 326.34–326.39 [Reserved]

Subpart E—What Conditions Must Be Met by a Grantee?

§ 326.40 What is the requirement for participation of handicapped students and their parents?

Each grantee shall, to the extent appropriate, provide for the direct participation of handicapped students and the parents of handicapped students in the planning, development, and implementation of its project.

(20 U.S.C. 1425(d))

§ 326.41 What coordination requirements must a grantee meet?

A grantee that is not an educational agency shall coordinate with the State educational agency of each affected State in the planning, development, and implementation of any activities described in § 326.30 (a) or (b).

(20 U.S.C. 1425(c))

§§ 326.42–326.49 [Reserved]

[FR Doc. 84-18345 Filed 7-10-84; 8:45 am]
BILLING CODE 4000-01-M

Reader Aids

Federal Register

Vol. 49, No. 134

Wednesday, July 11, 1984

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JULY

27119-27292.....2
27293-27486.....3
27487-27728.....5
27729-27918.....6
27919-28036.....9
28037-28228.....10
28229-28386.....11

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
1.....27910, 28252
2.....27910, 28252
7.....27910, 28252
8.....27910, 28252
9.....27910, 28252
10.....27910, 28252
15.....27910, 28252
18.....27910, 28252
20.....27910, 28252
21.....27910, 28252

3 CFR

Proclamations:
5215.....27119
5216.....27729
5217.....27919
5218.....28229
5219.....28231

5 CFR

532.....28347
550.....27470
795.....27921
2502.....28233
2504.....28235

7 CFR

28.....27731
29.....27466
68.....27731
301.....27478
354.....27487
405.....28037
434.....27121
435.....28037
438.....27125
446.....27129
658.....27716
724.....27133
725.....27133
726.....27133
908.....27293, 28037
910.....27918
911.....28038
923.....27135
924.....27731
1464.....27133
1772.....28236
1922.....28236
1980.....28039

Proposed Rules:
Ch. X.....27769
Ch. IX.....27524
251.....27159
411.....27949
419.....28061
422.....27950
434.....27160
436.....27950
437.....27951
446.....27162
449.....28066
946.....28070
967.....28070
1772.....27952, 28071

8 CFR

100.....27136
238.....27136, 27732

9 CFR

3.....27922
50.....28039, 28040
92.....27136, 27922
309.....27732
310.....27732
318.....27732

Proposed Rules:
308.....28252
318.....28252
320.....28252
327.....28252
381.....28252

10 CFR

30.....27923
33.....27923
34.....27923
35.....27923
40.....27923
50.....27733, 27736
1045.....27737

Proposed Rules:
9.....28072
50.....27769

12 CFR

4.....27293
7.....28237
26.....28041
212.....28041
217.....28238
220.....27295
304.....27487
330.....27294
348.....28041
561.....27294
563.....27295
563f.....28041
564.....27294
571.....27295
711.....28041

13 CFR

120.....28044
121.....27924, 27925
140.....27138

Proposed Rules:
120.....27162
136.....27164

14 CFR

71.....27299, 27740, 27741, 27927, 28239
95.....27299
97.....27742
298.....28239
Proposed Rules:
39.....28252
71.....27772
93.....27323

16 CFR

13.....27928, 27930
305.....27142
1205.....28240
Proposed Rules:
13.....27773

17 CFR

5.....27933
202.....27306
230.....27306, 28044
239.....28044
240.....27306, 28044
249.....28044
250.....27306, 27307
256.....27307
256a.....27307
257.....27307
260.....28044
269.....28044
270.....27306
275.....27306
Proposed Rules:
1.....27775
145.....27776
150.....28253
240.....27172

18 CFR

2.....27934
154.....27935
271.....27934, 27935

19 CFR

101.....27142
Proposed Rules:
101.....27172
141.....27954

21 CFR

5.....27315, 27489
74.....27744
102.....28241
201.....27936
310.....27936
436.....27489
556.....27315
558.....27315, 27936
Proposed Rules:
510.....27453

22 CFR

Proposed Rules:
305.....28255

24 CFR

207.....27489
255.....27489
888.....27658
Proposed Rules:
201.....27553
590.....27572

25 CFR

249.....27937

26 CFR

1.....27317

27 CFR

Proposed Rules:
9.....28257 28260

28 CFR

16.....27143

29 CFR

Proposed Rules:
2520.....27954

30 CFR

773.....27493
870.....27493
901.....27500
914.....28044
935.....27505
938.....27318
942.....27506
Proposed Rules:
913.....27324
920.....27582
942.....27325

31 CFR

500.....27144
515.....27144
Proposed Rules:
10.....27326
51.....27777

33 CFR

100.....27744-27746, 28056
110.....27320
117.....27747
165.....27320, 27939
Proposed Rules:
Ch. I.....27786
166.....28074

34 CFR

307.....28360
309.....28350
315.....28020
318.....28370
326.....28380
Proposed Rules:
75.....28264
76.....28264
200.....28264
298.....28212, 28264
668.....28264

36 CFR

223.....28241

38 CFR

3.....28241
36.....28242
Proposed Rules:
3.....28267
21.....27954

40 CFR

1.....27942
52.....27507 27748-27750, 27943, 27944, 28243
81.....27752, 27944, 28243
124.....27508
147.....28057
261.....27751
271.....28245
403.....28058
439.....27145
461.....27946
712.....27946
761.....28154, 28172, 28193
Proposed Rules:
52.....27583, 27584, 27787 27954
65.....28268, 28271
123.....28273
264.....28274
271.....27585, 28074, 28076
761.....28203

41 CFR

Ch. 60.....27946
Ch. 201.....27509
60-999.....27946
Proposed Rules:
34-30.....28264
105-45.....27955

42 CFR

405.....27172
Proposed Rules:
405.....27422

44 CFR

Proposed Rules:
67.....27956

45 CFR

96.....27145

46 CFR

502.....27753

47 CFR

Ch. I.....27754
2.....27146
68.....27763
73.....27146, 27320, 27321, 27509, 27947
74.....27147
76.....27152
Proposed Rules:
Ch. I.....27792
1.....27179
2.....27179
15.....27179
21.....27179
22.....27179, 27792
23.....27179
25.....28275
68.....27179
73.....27179, 27328-27331, 27796, 27956-27960, 28077
76.....27179
81.....27179
83.....27179
90.....27179
94.....27179
95.....27179

48 CFR

Ch. 15.....28246

49 CFR

387.....27288
821.....28246
1002.....27154
1039.....27321
1043.....27767
Proposed Rules:
171.....27180
173.....27180
175.....27180
218.....27797
225.....27797
571.....27181
1039.....27333
1103.....28276
1160.....27182
1165.....27182

50 CFR

17.....27510
267.....27514
611.....27155, 27322, 27518
630.....27521
652.....27156
658.....28059
663.....27518
672.....27322, 27521
674.....27522
675.....27322
Proposed Rules:
17.....27183
20.....28026
32.....27334, 28079
628.....28276
642.....28080
662.....27797
663.....28283

List of Public Laws

Last List July 9, 1984

This a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H.R. 5953 / Pub. L. 98-342

To increase the statutory limit on the public debt. (July 6, 1984; 98 Stat. 313) Price: $1.50